

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR

Law, Justice And Parliamentary Affairs Department

“Muzaffarabad”

Dated: 11th October, 2000

No. 696-702/Leg/2000: The following Act of the assembly received the assent of the President on 6th October, 2000 is hereby published for general information:

(Act IV of 2000)

**AN
ACT**

to provide for the protection, conservation, rehabilitation and improvement of the environment for the prevention and control of pollution and promotion of sustainable development:

WHEREAS, It is expedient to provide for the protection, conservation, rehabilitation and improvement of the environment, prevention and control of pollution, promotion of sustainable development, and for matters connected therewith and incidental there to;

It is hereby enacted as follows;

1. Short Title, Extent and Commencement:

- (1) This Act may be called the Azad Jammu and Kashmir Environmental Protection Act, 2000.
- (2) It extends to the whole of Azad Jammu and Kashmir.
- (3) It shall come into force at once.

2. Definitions:

In this Act, unless there is anything repugnant in the subject or context;

- (i) “**Adverse Environmental Effect**” means impairment of, or damage to, the environment and includes;
 - (a) impairment of, or damage to, human health and safety or to biodiversity or property;
 - (b) pollution; and
 - (c) any adverse environmental effect as may be specified in the regulations;

- (ii) “**Agricultural Waste**” means waste from farm and agricultural activities including poultry, cattle farming, animal husbandry, residues from the use of fertilizers, pesticides and other farm chemicals;
- (iii) “**Air Pollutant**” means any substance that causes pollution of air and includes soot, smoke dust particles, odor, light, electromagnetic radiation, heat, fumes, combustion exhaust, exhaust gases, noxious gases, hazardous substances and radioactive substances;
- (iv) “**Biodiversity**” or “biological diversity” means the variability among living organisms from all sources, including *inter alia* terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;
- (v) “**Council**” means the Azad Jammu & Kashmir Environmental Protection Council established under section 3;
- (vi) “**Discharge**” means spilling, leaking, pumping, depositing, seeping, releasing, flowing out, pouring, emitting, emptying or dumping;
- (vii) “**Ecosystem**” means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;
- (viii) “**Effluent**” means any material in solid, liquid or gaseous form or combination thereof being discharged from industrial activity or any other source and includes a slurry, suspension or vapor;
- (ix) “**Emission Standards**” means the permissible standards established by the Azad Jammu & Kashmir Environmental Protection Agency for emission of air pollutants and noise and for discharge of effluents and waste;
- (x) “**Environment**” means;
 - a) air, water and land;
 - b) all layers of the atmosphere;
 - c) all organic and inorganic matters and living organisms;
 - d) the ecosystem and ecological relationships;
 - e) buildings, structures, roads, facilities and works;
 - f) all social and economic conditions affecting community life, and

- g) the inter-relationships between any of the factors in sub-clauses (a) to (f);
- (xi) “**Environmental Impact Assessment**” means an environmental study comprising collection of data; prediction of qualitative and quantitative impacts, comparison of alternatives, evaluation of preventive, mitigatory and compensatory measures, formulation of environmental management and training plans and monitoring arrangements and framing of recommendations and such other components as may be prescribed;
- (xii) “**Environmental Magistrate**” means the Magistrate of the First Class appointed under section 23;
- (xiii) “**Environmental Tribunal**” means the Environmental Tribunal constituted under section 19;
- (xiv) “**Factory**” means any premises in which industrial activity is being undertaken;
- (xv) “**Agency**” means Azad Jammu & Kashmir Environmental Protection Agency established under section 5, or any Government Agency, local council or local authority exercising the powers and functions of the Azad Jammu & Kashmir Agency;
- (xvi) “**Government**” means the Azad Government of the State of Jammu & Kashmir;
- (xvii) “**Government Agency**” includes;
- a) a department, attached department, section, commission, board, office or unit of the Azad Jammu & Kashmir Government;
 - b) a developmental or a local authority, company or corporation established or controlled by the Azad Jammu & Kashmir Government;
 - c) any other body defined and listed in the Rules of Business of the Azad Jammu & Kashmir Government.
- (xviii) “**Hazardous Substance**” means;
- a) a substance or mixture of substances, other than a pesticide, which, by reason of its chemical activity is toxic, explosive, flammable, corrosive, radioactive or other characteristics causes, or is likely to cause adverse environmental effect; and
 - b) any substance which may be prescribed as hazardous substance;

- (xix) “**Hazardous Waste**” means waste which is or which contains a hazardous substance or which may be prescribed as hazardous waste, and includes hospital waste and nuclear waste;
- (xx) “**Hospital Waste**” includes waste medical supplies and materials of all kinds and waste blood, tissue, organs and other parts of the human and animal bodies, from hospitals, clinics and laboratories;
- (xxi) “**Industrial Activity**” means any operation or process for manufacturing, making, formulating, synthesizing, altering, repairing, ornamenting, finishing, packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or for mining, for oil and gas exploration and development, or for pumping water or sewage, or for generating, transforming or transmitting power or for any other industrial or commercial purposes;
- (xxii) “**Industrial Waste**” means waste resulting from an industrial activity;
- (xxiii) “**Initial Environmental Examination**” means a preliminary environmental review of the reasonably foreseeable qualitative and quantitative impacts on the environment of a proposed project to determine whether it is likely to cause an adverse environmental effect for requiring preparation of an environmental impact assessment;
- (xxiv) “**Local Authority**” means any agency set-up or designated by the Azad Jammu & Kashmir government by notification in the official Gazette to be a local authority for the purposes of this Act;
- (xxv) “**Local Council**” means a local council constituted under a law relating to local government;
- (xxvi) “**Motor Vehicle**” means any mechanically propelled vehicle adapted for use upon land whether its power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached, and a trailer, but does not include a vehicle running upon fixed rails;
- (xxvii) “**Municipal Waste**” includes sewage, refuse garbage, waste from abattoirs, sludge and human excreta and the like;
- (xxviii) “**Environmental Quality Standards**” means standards established by the Agency under clause (e) of sub-section (1) of section 6 and approved by the Council under clause (e) of sub-section (1) of section 4;

- (xxix) “**Noise**” means the intensity, duration and character of sounds from all sources, and includes vibration;
- (xxx) “**Nuclear Waste**” means waste from any nuclear reactor or nuclear plant or other nuclear energy system, whether or not such waste is radioactive;
- (xxxi) “**Person**” means any natural person or legal entity and includes an individual, firm, association, partnership, society, group, company, co-operation, co-operative society, Government Agency, non-governmental organization, community-based organization, village organization, local council or local authority and, in the case of a vessel, the master or other person having of the time being the charge or control of the vessel;
- (xxxii) “**Pollution**” means the contamination of air, land or water by the discharge or emission of effluents or wastes or air pollutants or noise or other matter which either directly or indirectly or in combination with other discharges or substances alters unfavorably the chemical, physical, biological, radiational, thermal or radiological or aesthetic properties of the air, land or water or which may, or is likely to make the air, land or water unclean, noxious or impure or injurious, disagreeable or detrimental to the health, safety, welfare or property of persons or harmful to biodiversity;
- (xxxiii) “**Prescribed**” means prescribed by rules made under this Act;
- (xxxiv) “**Project**” means any activity, plan, scheme, proposal or undertaking involving any change in the environment and includes;
- a) construction or use of buildings or other works;
 - b) construction or use of roads or other transport systems;
 - c) construction or operation of factories or other installations;
 - d) mineral prospecting, mining, quarrying, stone crushing, drilling and the like;
 - e) any change of land use or water use; and
 - f) alteration, expansion, repair, decommissioning or abandonment off existing buildings or other works, roads or other transport systems, factories or other installations;
- (xxxv) “**Proponent**” means the person who proposes or intends to undertake a project;
- (xxxvi) “**Regulations**” means regulations made under this Act;

(xxxvii) “**Rules**” means rules made under this Act;

(xxxviii) “**Sewage**” means liquid or semi-solid-wastes and sludge from sanitary conveniences, kitchens, laundries, washing and similar activities and from any sewerage system or sewage disposal works;

(xxxix) “**Standards**” means qualitative and quantitative standards for discharge of effluents and wastes and for emission of air pollutants and noise either for general applicability or for a particular area, or for a particular production process, or for a particular product, and includes the National Environmental Quality Standards, emission standards and other standards established under this Act and the rules and regulations made thereunder;

(xl) “**Sustainable Development**” means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs;

(xli) “**Vessel**” includes anything made for the conveyance by water of human beings or of goods; and

(xlii) “**Waste**” means any substance or object which has been, is being or is intended to be, discarded or disposed off and includes liquid waste, solid waste, waste gases, suspended waste, industrial waste, agricultural waste, nuclear waste, municipal waste, hospital waste, used polyethylene bags and residues from the incineration of all types of waste.

3. **Establishment of the Azad Jammu & Kashmir Environmental Protection Council:**

1) The Government shall, by notification in the Official Gazette, establish an Environmental Protection Council consisting of;

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| i. | Prime Minister | Chairperson |
| ii. | Minister Incharge of the Ministry dealing with the subject of environment. | Vice-Chairperson |
| iii. | Additional chief Secretary (Development) and Secretaries to the government dealing with the subjects of Works, Local Government, Agriculture, Forest, Health, Industry and Finance. | Members |
| iv. | Such other persons not exceeding fifteen as the | Members |

Government may appoint of which at least ten shall be non-official including two representative of the Chambers of Commerce and Industry and industrial associations and one or more representatives of the Chambers of Agriculture, the medical and legal professions, trade unions, and non-governmental organizations concerned with the environment and development, scientists, technical experts and educationists.

- v. Secretary to the Government **Member/ Secretary** dealing with the subject of environment.

- 2) The members of the Council, other than ex-officio members, shall be appointed in accordance with the prescribed procedure and shall hold office for term of three years.
- 3) The Council shall frame its own rules of procedure.
- 4) The Council shall hold meetings as an when necessary, but not less than two meetings shall be held in a year.
- 5) The Council may constitute committees of its members and entrust them with such functions as it may deem fit, and the recommendations of the committees shall be submitted to the Council for approval.
- 6) The Council or any of its committees may invite any technical expert or representative of any Government Agency or non-governmental organization or other person possessing specialized knowledge of any subject for assistance in performance of its functions.

4. Functions and Powers of the Council:

- 1) The Council shall;
 - a) Coordinate and supervise enforcement of the provisions of this Act;
 - b) Approve comprehensive national environmental policies and ensure their implementation within the framework of a national conservation strategy as may be approved by the Government from time to time;
 - c) Approve the Environmental Quality Standards;

- d) Provide guidelines for the protection and conservation of species, habitats, and biodiversity in general, and for the conservation of renewable and non-renewable resources;
 - e) Coordinate integration of the principles and concerns of sustainable development into national development plans and policies; and
 - f) Consider the Environment Report and give appropriate directions thereon.
- 2) The Council may, either itself or on the request of any person organization, direct the Agency or any Government Agency to prepare, submit, promote or implement projects for the protection, conservation, rehabilitation and improvement of the environment, the prevention and control of pollution, and the sustainable development of resources, or to undertake research in any specified aspect of environment.

5. ESTABLISHMENT OF THE AZAD JAMMU & KASHMIR ENVIRONMENTAL PROTECTION AGENCY:

- 1) The Government shall, by notification in the official Gazette, establish the Azad Jammu & Kashmir Environmental Protection Agency, to exercise the powers and perform the functions assigned to it under the provisions of this Act and the rules and regulations made there under. -
- 2) The Agency shall be headed by a Director General, who shall be appointed by the Government for a term of three years further extendible to another two years, however, for the first three years after the promulgation of this Act, the Government shall assign the powers and functions of Director General of the Agency in Ex-Officio capacity to any suitable officer already working in BPS-20.
- 3) The Agency shall have such administrative, technical and legal staff as the Government may specify, to be appointed in accordance with such procedure as may be prescribed.
- 4) The powers and functions of the Agency shall be exercised and performed by the Director-General.
- 5) The Director-General may by general or special order, delegate any of these powers and functions to staff appointed under sub-section (3).
- 6) For assisting the Agency in the discharge of its functions, the Government may establish Advisory Committees for various sectors, and appoint as members thereof eminent representatives of the relevant sectors, educational institutions, research institutions and non-governmental organizations.

6. Functions of the Agency:

1) The Agency shall;–

- a) Administer and implement the provisions of this Act and the rules and regulations made there under;
- b) Prepare in coordination with the appropriate Government Agency and in consultation with the concerned Sectoral Advisory Committees, environmental policies for approval by the Council;
- c) Take all necessary measures for the implementation of the environmental policies approved by the Council;
- d) Prepare and publish an annual Environment Report on the state of the environment;
- e) Prepare or revise, and establish the Environmental Quality Standards with approval of the Council;
Provided that before seeking approval of the Council, the Agency shall publish the proposed Environmental Quality Standards for public opinion in accordance with the prescribed procedure; and
- f) Ensure enforcement of the Environmental Quality Standards;
- g) Establish standards for the quality of the ambient air, water and land by notification in the official Gazette.

Provided that;

- i. Different standards for discharge or emission from different source and for different areas and conditions may be specified;
- ii. Certain areas, with the approval of the Council, may exclude from carrying out specific activities, projects from the application of such standards;
- h) Co-ordinate environmental policies and programs nationally and internationally;
- i) Establish systems and procedures for surveys, surveillance, monitoring, measurement, examination, investigation, research, inspection and audit to prevent and control pollution, and to estimate the costs of cleaning up pollution and rehabilitating the environment in various sectors;
- j) Take measures to promote research and the development of science and technology which may contribute to the prevention

of pollution, protection of the environment, and sustainable development;

- k) Certify one or more laboratories as approved laboratories for conducting tests and analysis and one or more research institutes as environmental research institutes for conducting research and investigation, for the purposes of this Act;
- l) Identify the needs for and initiate legislation in various sectors of the environment;
- m) Render advice and assistance in environmental matters, including such information and data available with it as may be required for carrying out the purposes of this Act;
- n) Provided that the disclosure of such information shall be subject to the restrictions contained in the proviso to sub-section (3) of section 11;
- o) Assist the local councils, local authorities, Government Agencies and other persons to implement schemes for the proper disposal of wastes so as to ensure compliance with the standards established by it;
- p) Provide information and guidance to the public on environmental matters;
- q) Recommend environmental courses, topics, literature and books for incorporation in the curricula and syllabus of educational institutions;
- r) Promote public education and awareness of environmental issues through mass media and other means, including seminars and workshops;
- s) Specify safeguards for the prevention of accidents and disasters which may cause pollution, collaborate with the concerned person in the preparation of contingency plans for control of such accidents and disasters, and co-ordinate implementation of such plans;
- t) Encourage the formation and working of non-governmental organizations, community organizations and village organizations to prevent and control pollution and promote sustainable development;
- u) Take or cause to be taken all necessary measures for the protection, conservation, rehabilitation and improvement of the environment, prevention and control of pollution and promotion of sustainable development, and;

- v) Perform any function which the Council may assign to it.
- 2) The Agency may;
- a) Undertake inquiries or investigation into environmental issues, either of its own accord or upon complaint from any person or organization;
 - b) Request any person to furnish any information or data relevant to its functions;
 - c) Initiate with the approval of the Government, requests for foreign assistance in support of the purposes of this act and enter into arrangements with foreign agencies or organizations for the exchange of material or information and participate in international seminars or meetings;
 - d) Recommend to the Government the adoption of financial and fiscal programs, schemes or measures for achieving environmental objective and goals and the purposes of this Act, including:
 - i. Incentives, prizes, awards, subsidies, tax exemptions, rebates and depreciation allowances, and
 - ii. Taxes, duties, cesses and other levies;
 - e) Establish and maintain laboratories to help in the performance of its functions under this Act and to conduct research in various aspects of the environment and provide or arrange necessary assistance for establishment of similar laboratories in the private sector; and
 - f) Provide or arrange, in accordance with such procedure as may be prescribed, financial assistance for projects designed to facilitate the discharge of its functions.

7. **Powers of the Agency:**

Subject to the provisions of this Act, the Agency may;

- a) Lease, purchase, acquire, own, hold, improve, use or otherwise deal in and with any property both movable and immovable;
- b) Sell, convey, mortgage, pledge, exchange or otherwise dispose off its property and assets;
- c) Fix and realize fees, rates and charges for rendering any service or providing any facility information or data under this Act or the rules and regulations made there under;

- d) Enter into contracts, execute instruments, incur liabilities and do all acts or things necessary for proper management and conduct of its business;
- e) Appoint with the approval of the Government and in accordance with such procedures as may be prescribed, such advisers, experts and consultants as it considers necessary for the efficient performance of its functions on such terms and conditions as it may deem fit;
- f) Summon and enforce the attendance of any person and require him to supply any information or document needed for the conduct of any inquiry or investigation into any environmental issue;
- g) Enter and inspect and under the authority of a search warrant issued by the Environmental Tribunal or Environmental Magistrate, search at any reasonable time, any land, building, premises, vehicle or vessel or other place where or in which, there are reasonable grounds to believe that an offence under this Act has been or is being committed;
- h) Take samples of any material, product article or substance or of the effluent, waste or air pollutant being discharged or emitted or of air, water or land in the vicinity of the discharge or emission;
- i) Arrange for test and analysis of the samples at a certified laboratory;
- j) Confiscate any article used in the commission of the offence where the offender is not known or cannot be found within a reasonable time;

Provided that the power under clauses (f), (h), (i) and (j) shall be exercised in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), or the rules made under this Act and under the direction of the Environmental Tribunal or Environmental Magistrate.

8. Establishment of the Sustainable Development Funds:

- 1) There shall be established Sustainable Development Fund.
- 2) The Sustainable Development Fund shall be derived from the following sources, namely;
 - a) Grants made or loans advanced by the Government of Azad Jammu & Kashmir.

- b) Aid and assistance, grants, advances, donations and other non-obligatory funds received from foreign governments, national or international agencies, and non-governmental organizations ; and
 - c) Contributions from private organizations, and other persons.
- 3) The Sustainable Development Fund shall be utilized in accordance with such procedure as may be prescribed for;
- a) Providing financial assistance to the project designed for the protection, conservation, rehabilitation and improvement of the environment, the prevention and control of pollution, the sustainable development of resources and for research in any specified aspect of environment; and
 - b) Any other purpose which in the opinion of the Board will help achieve environmental objectives and the purpose of this Act.

9. Management of the Sustainable Development Fund:

- 1) The Sustainable Development Fund shall be managed by a Board known as the Sustainable Development Fund Board consisting of;
- i. Additional Chief Secretary Planning and Development Department. **Chairman**
 - ii. Such officers of the Government not exceeding five as the Finance and Environment Departments. **Members**
 - iii. 3 non-official persons as the Government may appoint representing the chamber of Commerce and Industry, Non-Government Organizations, and major donors. **Members**
 - iv. Director General of the Agency **Member**
 - v. Director of the Agency **Secretary**
- 2) In accordance with such procedure and such criteria as may be prescribed the Board shall have the power to;
- a) Sanction financial assistance for eligible projects;
 - b) Invest moneys held in the Sustainable Development Fund in such profit bearing Government bonds, savings schemes and securities as it may deem suitable; and
 - c) Take such measures and exercise such powers as may be necessary for utilization of the Sustainable Development Fund for the purposes specified in sub-section (3) of section 8.

- 3) The Board shall constitute committees of its members to undertake regular monitoring of the projects financed from the Sustainable Development Fund and to submit progress reports to the Board which shall publish an Annual report incorporating its annual audited accounts, and performance evaluation based on the progress reports.

10. Prohibition of Certain Discharges or Emissions:

- 1) Subject to the provisions of this Act and the rules and regulations made there under no person shall discharge or emit or allow the discharge or emission of any effluent or waste or air pollutant or noise in an amount, concentration or level which is in excess of the Environmental Quality Standards or, where applicable, the standards established under sub-clause (1) of clause (g) of sub-section (1) of section 6.
- 2) The Government may levy a pollution charge on any person who contravenes or fails to comply with the provisions of sub-section (1), to be calculated at such rate, and collected in accordance with such procedure as may be prescribed.
- 3) Any person who pays the pollution charge levied under –sub-section (2) shall not be charged with an offence with respect to that contravention or failure.
- 4) The provisions of sub-section (3) shall not apply to projects which commenced industrial activity on or after the thirtieth day of June, 1996.

11. Initial Environmental Examination (IEE) and Environmental Impact Assessment (EIA):

- 1) No proponent of a project shall commence construction or operation unless he has filed with the Agency, an Initial Environmental Examination (IEE) or where the project is likely to cause an adverse environmental effect, an Environmental Impact Assessment (EIA), and has obtained from the Agency approval in respect thereof.
- 2) The Agency shall;
 - a) Review the Initial Environmental Examination (IEE) and accord its approval, or require submission of an Environmental Impact Assessment (EIA) by the proponent; or
 - b) Review the Environmental Impact Assessment and accord its approval subject to such conditions as it may deem fit to impose, or require that the Environmental Impact Assessment be resubmitted after such modifications as may be stipulated, or reject the project as being contrary to environmental objectives.

- 3) Every review of an Environmental Impact Assessment shall be carried out with public participation and no information will be disclosed during the course of such public participation which relates to;
 - I. Trade, manufacturing or business activities, processes or techniques of a proprietary nature, or financial, commercial, scientific or technical matters which the proponent has requested should remain confidential, unless for reasons to be recorded in writing, the Director-General of the Agency is of the opinion that the request for confidentiality is not well-founded or the public interest in the disclosure outweighs the possible prejudice to the competitive position of the project or its proponent; or
 - II. International relations, national security or maintenance of law and order, except with the consent of the Government; or
 - III. Matters covered by legal professional privilege.
- 4) The Agency shall communicate its approval or otherwise within a period of four months from the date the Initial Environmental Examination or Environmental Impact Assessment is filed complete in all respects in accordance with the prescribed procedure, failing which the Initial Environmental Examination or, as the case may be, the Environmental Impact Assessment shall be deemed to have been approved, to the extent to which it does not contravene the provision of this Act and the rules and regulations made there under.
- 5) Subject to sub-section (4) the Government may in a particular case extend the aforementioned period of four months if the nature of the project so warrants.
- 6) The provisions of sub-section (1), (2), (3), (4) and (5) shall apply to such categories of projects and in such manner as may be prescribed.
- 7) The Agency shall maintain separate Registers for Initial Environmental Examination and Environmental Impact Assessment projects, which shall contain brief particulars of each project and a summary of decisions taken thereon, and which shall be open to inspection by the public at all reasonable hours and the disclosure of information in such Registers shall be subject to the restrictions specified in sub-section (3).

12. Prohibition of Import of Hazardous Waste:

No person shall import hazardous waste into Azad Jammu & Kashmir and its territorial waters, Exclusive Economic Zone and historic waters.

13. Handling of Hazardous Substances:

Subject to the provisions of this Act, no person shall generate, collect, consign, transport, treat, dispose off, store handle or import any hazardous substance except;

- a) Under a license issued by the Agency and in such manner as may be prescribed; or
- b) In accordance with the provisions of any other law for the time being in force, any international treaty, convention, protocol, code, standard, agreement other instrument to which Pakistan is a party.

14. Regulation of Motor Vehicles:

- 1) Subject to the provisions of this Act and the rules and regulations made there under, no person shall operate a motor vehicle from which air pollutants or noise are being emitted in an amount, concentration or level which is in excess of the Environmental Quality Standards, or where applicable the standards established under clause (g) of sub-section (1) of section 6.
- 2) For ensuring compliance with the standards mentioned in sub-section (1), the Agency may direct that any motor vehicle or class of vehicles shall install such pollution control devices or other equipment or use such fuels or undergo such maintenance or testing as may be prescribed.
- 3) Where a direction has been issued by the Agency under sub-section (2) in respect of any motor vehicles or class or motor vehicles, no person shall operate any such vehicle till such direction has been complied with.

15. Environmental Protection Order (EPO):

- 1) Where the Agency is satisfied that the discharge or emission of any effluent waste, air pollutant or noise, or the disposal of waste, or the handling of hazardous substances, or any other act or omission is likely to occur, or is occurring or has occurred in violation of the provisions of this Act, rules or regulations or of the conditions of a license, and is likely to cause, or is causing or has caused an adverse environmental effect, the Agency after giving the person responsible for such discharge or emission of any effluent, waste, air pollutant or noise, or the disposal of waste, or the handling of hazardous substances, or any other act or omission an opportunity of being heard, by order direct such person to take such measures that the Agency may consider necessary within such period as may be specified in the order.
- 2) In particular and without prejudice to the generality of the foregoing power, such measures may include;

- a) Immediate stoppage, preventing, lessening or controlling the discharge, emission, disposal, handling, act or omission or to minimize or remedy the adverse environmental effect;
 - b) Installation, replacement or alteration off any equipment or thing to eliminate or control or abate on a permanent or temporary basis, such discharge, emission, disposal, handling, act or omission.
 - c) Action to remove or otherwise dispose of the effluent, waste, air pollutant, noise, or hazardous substances; and
 - d) Action to restore the environment to the condition existing prior to such discharge, disposal, handling, act or omission, or as close to such condition as may be reasonable in the circumstances, to the satisfaction of the Agency.
- 3) Where the person, to whom directions under sub-section (1) are given, does not comply therewith, the Agency may in addition to the proceeding initiated against him under this Act or the rules and regulations, itself take or cause to be taken such measures specified in the order as it may deems necessary, and may recover the costs of taking such measures from such person as arrears of the land revenue.

16. Penalties:

- 1) Whoever contravenes or fails to comply with the provisions of sections 10, 11, 12, or section 15 or any order issued thereunder shall be punishable with fine which may extend to one million rupees, and in the case of a continuing contravention or failure, with an additional fine which may extend to one hundred thousand rupees for every day during which such contravention or failure continues;

Provided that if contravention of the provisions of section 10 also constitutes contravention of the provisions of section 14, such contravention shall be punishable under sub-section (2) only.
- 2) Whoever contravenes or fails to comply with the provisions of section 13 or 14 or any rule or regulation or conditions of any license, any order or direction issued by the Council or by the Agency, shall be punishable with fine which may extend to one hundred thousand rupees, and in case of continuing contravention; or failure, with an additional fine which shall extend to one thousand rupees for every day during which such contravention continues;
- 3) Where an accused has been convicted of an offence under sub-section (1) and (2), the Environmental Tribunal and Environmental Magistrate shall, in passing sentence, take into account the extent and duration of the

contravention or failure constituting the offence and the attendant circumstances.

- 4) Where an accused has been convicted of an offence under sub-section (1) and (2), the Environmental Tribunal is satisfied that as a result of the commission of the offence monetary benefits have accrued to the offender, the Environmental Tribunal may order the offender to pay, in addition to the fines under sub-section (1), further additional fine commensurate with the amount of the monetary benefits.
- 5) Where a person convicted under sub-section (1) or sub-section (2); and had been previously convicted for any contravention under this Act, the Environmental Tribunal, or as the case may be, Environmental Magistrate may, in addition to the punishment awarded there under;
 - a) Endorse a copy of the order of conviction to the concerned trade or industrial association, if any, or the Azad Jammu & Kashmir Chamber of Commerce & Industry, or the concerned Provincial Chamber of Commerce and Industry or the Federation of Pakistan Chamber of Commerce and Industry;
 - b) Sentence him to imprisonment for a term which may extend up to two years;
 - c) Order the closure of the factory;
 - d) Order confiscation of the factory machinery equipment, vehicle, material or substance, record or document or other object used or involved in contravention of the provisions of the Act;

Provided that for period of three years from the date of commencement of this Act, the sentence of imprisonment shall be passed only in respect of persons who have been previously convicted for more than once for any contravention of section 10, 12, 13 or 15 involving hazardous waste;
 - e) Order such person to restore the environment at his own cost, to the conditions existing prior to such contravention or as close to such conditions as may be reasonable in the circumstances to the satisfaction of the Agency; and
 - f) Order that such sum be paid to any person as compensation for any loss, bodily injury, damage to his health or property suffered by such contravention.
- 6) The Director-General of the Agency or an officer generally or specially authorized by him in this behalf may, on the application of the accused compound an offence under this act with the permission of the Environmental Magistrate in accordance with such procedure as may be prescribed.

- 7) Where the Director-General is of the opinion that a person has contravened any provision of this act, he may, subject to the rules, by notice in writing to that person require him to pay to the Agency, an administrative penalty in the amount set out in the notice for each day the contravention continues; and a person who pays an administrative penalty for a contravention shall not be charged under this act within an offence in respect of such contravention.
- 8) The provisions of sub-sections (6) and (7) shall not apply to a person who has been previously convicted of an offence or who has compounded an offence under this act, or who has paid an administrative penalty for a contravention of any provision of this act.

17. Offences by Bodies Corporate:

Where any contravention of this Act has been committed by a body corporate, and it is proved that such offence has been committed with the consent or connivance of, or is attributed to any negligence on the part of, any director, partner, manager, secretary or other officer of the body corporate, shall be deemed guilty of such contravention along with the body corporate and shall be punished accordingly;

Provided that in the case of a company as defined under the companies Ordinance, 1984 (XI, VII of 1984), only the Chief Executive as defined in the said ordinance shall be liable under this section.

Explanation: For the purposes of this section, “Body Corporate” includes a firm, association of persons and a society registered under the Societies Registration Act, 1860 (XXI of 1860) or under the Co-operative Societies Act, 1925).

18. Offence by Government Agencies, Local Authorities or Local Councils:

Where any contravention of this Act has been committed by any Government Agency, local authority or local council, and it is proved that such contravention has been committed with the consent or connivance of, or is attributable to any negligence on the part of the Head or any other officer of the Government Agency, Local Authority, or Local Council, such Head or other officer shall also be deemed guilty of such contravention along with the Government Agency, Local Authority or Local Council and shall be liable to be proceeded against and punished accordingly.

19. Environmental Tribunals:

- 1) The Government may, by notification in the official gazette, establish an Environmental Tribunal.

- 2) An Environmental Tribunal shall consist of a Chairperson who is, or has been or is qualified for appointment as, a judge of the High Court to be appointed after consultation with the Chief Justice of the High Court and two members to be appointed by the Government of which at least one shall be technical member with suitable professional qualifications and experience in the environmental field as may be prescribed.
- 3) For every sitting of the Environmental Tribunal, the presence of the Chairperson and not less than one Member shall be necessary.
- 4) A decision of an Environmental Tribunal shall be expressed in terms of the opinion of the majority of its members, including the Chairperson, or if the case has been decided by the Chairperson and only one of the members and there is a difference of opinion between them, the decision of the Environmental Tribunal shall be expressed in terms of the opinion of the Chairperson.
- 5) An Environmental Tribunal shall not, merely by reason of a change in its composition, or the absence of any member from any sitting, be bound to recall and rehear any witness who has given evidence, and may act on the evidence already recorded by or produced, before it.
- 6) An Environmental Tribunal shall hold its sittings at Muzaffarabad, however, based on the load of work and with the prior approval of the Government the Environmental Tribunal may sit at Mirpur also.
- 7) No act or proceeding of an Environmental Tribunal shall be invalid by reason only of the existence of a vacancy, in or defect in the constitution of the Environmental Tribunal.
- 8) The terms and conditions of service of the chairperson and members of the Environmental Tribunal shall be such as may be prescribed.

20. Jurisdiction and powers of Environmental Tribunals:

- 1) An Environmental Tribunal shall exercise such powers and perform such functions as are, or may be, conferred upon or assigned to it by or under this Act, or the rules and regulations made thereunder.
- 2) All contraventions punishable under sub-section (1) of section 16 shall exclusively be triable by an Environmental Tribunal.
- 3) An Environmental Tribunal shall not take cognizance of any offence triable under sub-section (2) except on a complaint in writing by;
 - a) The Agency or any Government Agency or Local Council; and
 - b) Any aggrieved person, who has given notice of not less than thirty days to the Agency of the alleged contravention and of his intention to made a complaint to the Environmental Tribunal.

- 4) In exercise of its criminal jurisdiction, the Environmental Tribunal shall have the same powers as are vested in the Court of Session under the Code of Criminal Procedure, 1898 (Act V of 1898).
- 5) In exercise of the appellate jurisdiction under section 21 the Environmental Tribunal shall have the same powers and shall follow the same procedure as an appellate court in the Code of Civil Procedure, 1908 (Act V of 1908).
- 6) In all matters with respect to which no procedure has been provided for in this Act, the Environmental Tribunal shall follow the procedure laid down in the Code of Civil Procedure, 1908 (Act V of 1908).
- 7) An Environmental Tribunal may, on application filed by any officer duly authorized in this behalf by the Director-General of the Agency issue bail able warrant for the arrest of any person against whom reasonable suspicion exists of is having been involved in contravention punishable under sub-section (1) of section 16.

Provided that such warrant shall be applied or issued, and executed in accordance with the provisions of the code of Criminal Procedure 1898 (Act V of 1898).

Provided further that if the person arrested executes a bond with sufficient sureties in accordance with the endorsement on the warrant, he shall be released from custody, failing which he shall be taken or sent without delay to the officer-in-charge of the nearest police station.

- 8) All proceedings before the Environmental Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860), and the Environmental Tribunal shall be deemed to be a court for the purposes of section 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).
- 9) No court other than an Environmental Tribunal shall have or exercise any jurisdiction with respect to any mater to which the jurisdiction of an Environmental Tribunal extends under this Act or the rules and regulations made thereunder.
- 10) Where the Environmental Tribunal is satisfied that a complaint made to it under sub-section (3) is false and vexatious to the knowledge of the complainant, it may, by an order, direct the complainant to pay to the person complained against such compensatory costs which may extend to one hundred thousand rupees.

21. Appeals to the Environmental Tribunal:

- 1) Any person aggrieved by any order or direction of the Agency under any provision of this Act and rules or regulations made thereunder may prefer an appeal with the Environmental Tribunal within thirty days of

the date of communication of the impugned order or direction to such person.

- 2) An appeal to the Environmental Tribunal shall be in such form, contain such particulars and be accompanied by such fees as may be prescribed.

22. Appeals from Orders of the Environmental Tribunal:

- 1) Any person aggrieved by any final order or by any sentence of the Environmental Tribunal passed under this Act may, within thirty days of communication of such order or sentence, prefer an appeal to the High Court.
- 2) An appeal under sub-section (1) shall be heard by a Bench of not less than two judges.

23. Jurisdiction of Environmental Magistrates:

- 1) Notwithstanding anything contained in the Code of Criminal procedure, 1898 (Act V of 1898), or any other law for the time being in force, but subject to the provisions of this Act, all contraventions punishable under sub-section (2) of section 16 shall exclusively be triable by a judicial Magistrate of the first class as Environmental Magistrate especially empowered in this behalf by the High Court.
- 2) An Environmental Magistrate shall be competent to impose any punishment specified in sub-sections (2) and (4) of section 16.
- 3) An Environmental Magistrate shall not take cognizance of an offence triable under sub-section (1) except on a complaint in writing by;
 - i. The Agency or Government Agency or Local Council; and
 - ii. Any aggrieved person.

24. Appeals from Orders of Environmental Magistrates:

Any person convicted under this Act or the rules or regulations by an Environmental Magistrate may, within thirty days from the date of his conviction, appeal to the Court of Sessions, whose decision thereon shall be final.

25. Power to Delegate:

The Government may, by notification in the official Gazette, delegate any of its or of the Agency's powers and functions under this Act and the rules and regulations made thereunder to Government Agency, Local Council or Local Authority.

26. Power to Give Directions:

In the performance of their functions under this Act, the Agency shall be bound by the directions given to them in writing by the Government.

27. Indemnity:

No suit, prosecution or other legal proceedings shall lie against the Government, the Council, the Agency, the Director-General, the Agency members, officers, employees, experts, advisors, committees or consultants of Agency or the Environmental Tribunal or Environmental Magistrates or any other person for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

28. Dues Recoverable as Arrears of Land Revenue:

Any dues recoverable by the Agency under this Act, or the rules or regulations made thereunder shall be recoverable as arrears of land revenue.

29. Act to Override Other Laws:

The provisions of this Act shall have over riding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

30. Power to make Rules:

The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act including rules for implementing the provisions of the international environmental agreements, specified in the Schedule to this Act.

31. Power to Amend the Schedule:

The Government may, by notification in the official Gazette, amend the Schedule so as to add any entry thereto or modify or omit any entry therein.

32. Power to make Regulations:

- 1) For carrying out the purposes of this Act, the Agency may, by notification in the official Gazette and with the approval of the government, make regulations not inconsistent with the provisions of this Act or the rules made thereunder.
- 2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for;

- a) submission of periodical reports, data or information by any Government agency, local authority, or local council in respect of environmental matters;
- b) preparation of emergency contingency plans for coping with environmental hazards and pollution caused by accidents, natural disasters and calamities;
- c) appointment of officers, advisors, experts, consultants and employees;
- d) levy of fees, rates and charges in respect of services rendered, actions taken and schemes implemented;
- e) monitoring and measurement of discharges and emissions;
- f) categorization of projects to which and the manner in which section 11 applies;
- g) laying down of guidelines for preparation of Initial Environmental Examination and Environmental Impact Assessment and development procedures for their filing, review and approval;
- h) providing procedures for handling hazardous substances; and
- i) installation of devices in, use of fuels by, and maintenance and testing of motor vehicles for control of air and noise pollution;

33. Repeal, Saving and Succession:

- (1) The Azad Jammu & Kashmir Environmental Protection Act, 1996 is hereby repealed.
- (2) Notwithstanding the repeal of the Azad Jammu & Kashmir Environmental Protection Act, 1996, any rules or regulations or appointments made, orders passed, notifications issued, powers delegated, contracts entered into proceedings commenced, rights acquired liabilities incurred, penalties, rates, fees or charges levied, things done or action taken under any provisions of that Act shall, so far as they are not inconsistent with the provisions of this Act, be deemed to have been made, passed, issued, delegated, entered into, commenced, acquired, incurred, levied, done or taken under this Act.
- (3) On the establishment of the Agency under this Act, all properties, assets and liabilities pertaining to the Agency established under that Act shall vest in and be the properties, assets and liabilities, as the case may be, of the Agency established under this Act.

SCHEDULE
(See Section 31)

1. International Plan Protection Convention Rome, 1951.
2. Plan Protection Agreement for the South-East Asia and Pacific Region (as amended), Rome, 1956.
3. Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South-West Asia (As amended), Rome, 1963.
4. Convention on Wetlands of International Importance Especially as Waterfowl habitat, Ramsar, 1971 and its amending Protocol, Paris, 1982.
5. Convention Concerning the protection of World Cultural and Natural heritage (World heritage Convention), Paris, 1972.
6. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Washington, 1973.
7. Convention on the Conservation of Migratory Species of Wild Animals, Bonn, 1979.
8. Convention on the Law of the Sea, Montego Bay, 1982.
9. Vienna convention for the protection of the Ozone Layer, Vienna, 1985.
10. Montreal Protocol on Substances that Deplete the Ozone Layer, Montreal, 1987, and amendments thereto.
11. Agreement on the Network of Aquaculture Centers in Asia and the Pacific, Bangkok, 1988.
12. Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal, Basel, 1989.
13. Convention on Biological Diversity, Rio De Janiero, 1992.
14. United Nations Framework Convention on Climate Change, Rio De Janiero, 1992.

(SARDAR MOHAMMAD IBRAHIM KAHN)
PRESIDENT
AZAD JAMMU & KASHMIR

(SYED ATTA MOHYUDDINN QADRI)
Draftsman

Law, Justice & Parliamentary Affairs

Azad Government of the State of Jammu & Kashmir
Planning and Development Department
Environmental Protection Secretariat

‘Muzaffarabad’
Dated: April 11, 2009

NOTIFICATION

No. 1111-22/P&DD/Gen/2009. In exercise of the powers conferred by section 32 of the Azad Jammu & Kashmir Environmental Protection Act, 2000 (ACT IV of 2000), read with clause (k) of sub-section (1) of section 6 of the Act *ibid*, the AJ&K Environmental Protection Agency, with the approval of the Government, is pleased to make the following regulations, namely:

1. Short Title and Commencement: (1) These regulations may be called the *State Environmental Quality Standards (Certification of Environmental Laboratories) Regulations, 2009*.

(2) They shall come into force at once.

2. Definitions: (1) In these regulations, unless there is anything repugnant in the subject or context;

- (a) “**Act**” means the Azad Jammu & Kashmir Environmental Protection Act, 2000 (ACT IV of 2000);
- (b) “**Agency**” means Azad Jammu & Kashmir Environmental Protection Agency (AJK-EPA) established under Section 5 of the Act;
- (c) “**Certification**” means certification of a laboratory as an environmental laboratory under these regulations;
- (d) “**Certificate**” means certificate issued under regulation 8;
- (e) “**Committee**” means the Advisory Committee on Laboratory Certification established by the Government under sub-section (6) of section 5 of the Act;
- (f) “**Director General**” means the Director General of the Agency;
- (g) “**Environmental Laboratory**” means a laboratory to whom certification as an environmental laboratory has been awarded under these regulations;
- (h) “**Government**” means the Azad Government of the State of Jammu & Kashmir;

- (i) **“Laboratory”** means any premises equipped to conduct scientific and technical experiments, tests, analysis, studies, investigations; and
 - (j) **“Schedule”** means schedule appended to these regulations.
- (2) All other words and expressions used in these regulations but not defined herein shall have the same meanings as are assigned to them in the Act.

3. Functions of an Environmental Laboratory: The functions of an environmental laboratory shall;

- (a) To test and analyze samples of air, water, soil, effluents or wastes sent to it by any factory or any person authorized by Environmental Protection Agency or any agency to determine whether such samples comply with the State Environmental Quality Standards;
- (b) To measure noise being emitted at any place by any industrial or other activity or motor vehicle;
- (c) To issue test reports containing the results of tests and analysis carried out under clauses (a) and (b);
- (d) To carry out such experiments, studies and investigations as may be required by the Agency to monitor and enforce and where necessary to propose revision of the National Environmental Quality Standards;
- (e) To send an annual report of its activities to the Agency, including a list of all test reports issued by it; and
- (f) To carry out such other functions as may be entrusted to it by the AJK-EPA from time to time.

4. Application for Certification: (1) Any laboratory which fulfils the criteria laid down in regulation 5 may make an application in the form set out in Schedule I to the Agency for certification as an environmental laboratory.

- (2) Every such application for certification shall be accompanied by a non-refundable scrutiny fee at the rate as may be prescribed by the Agency under the authority conferred upon the Agency by the Act.

5. Criteria for Certification: (1) Subject to clause (2), a laboratory shall not be certified as an environmental laboratory unless it fulfils the following criteria, namely;

- (a) the laboratory is located in a clean area and not adjacent to an open sewerage drain of factory from which emissions of air pollutants or discharge of effluents or wastes may interfere with,

contaminate or otherwise adversely affect the reliability of its tests and analysis;

- (b) the building in which the laboratory is housed is suitable in size, design and quality of construction, for use as an environmental laboratory;
 - (c) the laboratory has qualified and experienced scientific and technical staff and appropriate analytical equipment and apparatus as may be prescribed by the Agency under the authority conferred upon the Agency by the Act.
 - (d) the laboratory has deposited with the Agency the scrutiny fee and certification fee at the rates as may be prescribed by the Agency;
 - (e) the laboratory has installed a comprehensive scientific system of reporting test results, supported by data handling facilities; and
 - (f) the laboratory has proper waste disposal arrangements.
- (2) A laboratory may be certified as an environmental laboratory for testing of water, liquid effluents, wastes, soil, gaseous emissions or noise or a combination of these for specific State Environmental Quality Standards parameters, in which case the requirements of analytical equipment and apparatus specified in Schedule IV, scientific and technical staff as may be prescribed by the Agency under the authority conferred upon the Agency by the Act will be adjusted accordingly.

6. Scrutiny of Application: (1) Every application for certification shall be scrutinized by the Committee.

- (2) The Committee shall carry out such inquiry as it may deem necessary to verify and evaluate the data mentioned in the application which shall include sending of trial sample; and obtaining sample test reports and a visit to the laboratory by the Committee itself, or its sub-committee, or a panel of experts appointed by the Committee for the purpose, for an on-site assessment of its capability and capacity as to whether or not it fulfills the criteria laid down in regulation 5.
- (3) Subject to clause (4), the Committee shall submit its recommendations, in writing, to the Agency, who may, after such further inquiry as it may consider necessary, accept or reject the said recommendations.
- (4) In case the Agency decides to reject the recommendations referred to in clause (3), it shall record reasons for decision.

7. Decision on Application: (1) Subject to clause (2), an application for certification may be rejected, accepted in full or accepted partially for certain purposes or parameters only.

- (2) Before the Agency decides to reject an application or accept it partially or conditionally, shall give the applicant an opportunity of being heard.
- (3) Where the Agency rejects an application, the applicant shall be informed of the reasons for such rejection.
- (4) Subject to clause (5), rejection of an application for certification shall not debar a laboratory from submitting a fresh application for certification.
- (5) A fresh application shall not be entertained until the lapse of at least three months from the date of rejection of an application.

8. Issuance of Certificate: (1) Where the Agency approves an application for certification in full or partially or conditionally, the applicant shall be informed accordingly and asked to deposit with the Agency within fifteen days, the certification fee at the rate specified in Schedule II.

- (2) On receipt of the certification fee, Agency shall issue a certificate to the laboratory in the form set out in Schedule V and notify the laboratory to be an environmental laboratory in the official Gazette.
- (3) If a certificate is defaced, damaged or lost, duplicate thereof may be issued on payment of such fee as is specified in Schedule II.

9. Conditions of Certification: (1) An environmental laboratory shall;

- (a) comply with all relevant provisions of the Act and rules and regulations;
- (b) carry out all tests and analysis, measurements, experimental studies and investigations with due diligence and in accordance with such guidelines, procedures and methods as may be stipulated by the Agency;
- (c) carry out and maintain record of calibration of its equipment and apparatus;
- (d) follow the quality control and quality assurance procedures established by the Agency and participate in performance, system audits, quality control and quality assurance programs organized by Agency.
- (e) keep its premises neat and clean at all times;
- (f) allow any member of the Committee or any officer of the Agency, duly authorized in this behalf, to enter and inspect equipment and apparatus used in conducting tests and analyses and the reports and records in respect thereof;
- (g) retain records of all tests and analysis and measurements conducted by it for a period of three years from the date thereof;

- (h) take adequate safety measures and precautions against fire hazards and accidents including provision of first-aid facilities;
 - (i) ensure availability in its store of adequate stocks of chemicals, back-up equipments and apparatus, and spare parts;
 - (j) ensure that it fulfills the criteria laid down in regulation 5 at all times, and that if at any stage any equipment, apparatus or staff is required to be replaced, the replacement of equipment, apparatus or replacement of staff is of equivalent, or better, specifications or qualifications and experience respectively;
 - (k) display the certificate issued to it under regulation 8 and a list of its fees for various tests and analyses and measurements, at a prominent place in its premises; and
 - (l) submit to the Agency an annual report including a list of all tests and analyses conducted by it relating to the environment.
- (2) An Environmental laboratory shall not, without the prior permission in writing of the Agency;
- (a) shift its location or remove any equipment or apparatus from its premises but the equipment or apparatus requiring repair or maintenance outside the premises may be removed for this purpose for a specific period under intimation to the Agency;
 - (b) charge more than the rates as may be fixed from time to time by AJK-EPA for specified tests and analysis; or
 - (c) subcontract any work to any other laboratory.
- (3) Certification of an environmental laboratory shall not be transferable to any other laboratory.

10. Validity of Certification: (1) Subject to clause (2), a certificate issued under regulation 8 shall unless earlier suspended or revoked, be valid for a period of three years from the date of issue.

- (2) If an application for renewal of certification is made under regulation 13, the certificate shall continue to remain valid till the application for renewal is decided.

11. Bar to Function without Certification: (1) No laboratory shall function as an environmental laboratory unless it is granted certification under these regulations.

12. Test Reports: (1) An environmental laboratory shall issue test reports in the form set out in Schedule VI containing the results of tests an analysis carried out in discharge of its functions as provided under clauses (a) and (b) or regulation 3.

13. Renewal of Certification: (1) An application for renewal of certification shall be made in the form set out in Schedule IV, to the Agency at least forty-five days prior to the date of expiry of the certificate issued under regulation 8.

- (2) An application for renewal shall be accompanied by a copy of the annual report of the activities of the environmental laboratory.
- (3) An application for renewal shall be dealt with, scrutinized and decided exactly in the same manner as an application for certification and the provisions of these regulations relating to an application for certification shall, *mutatis mutandis*, apply to an application for renewal of certification.
- (4) The fee for renewal of certification shall be payable at the rate specified in Schedule II, and the certificate issued on receipt thereof shall also be in the form set out in Schedule V.

14. Revocation or Suspension of Certification: (1) Without prejudice to any other action that may be taken against an environmental laboratory under the Act, Rules or Regulations or any other law for the time being in force, the Agency may, by an order in writing stating the reasons therefore, revoke a certification or suspend it for such period as the Agency deems fit, if the environmental laboratory;

- (a) fails to comply with any of the conditions of certification listed in regulation 9;
 - (b) violates, aids or abets in the violation of, any of the provisions of the Act, rules or regulations;
 - (c) issues any report which is false, or which is designed to misrepresent or conceal or suppress any material fact;
 - (d) has obtained certification through fraud or misrepresentation;
 - (e) fails or ceases to perform or is rendered incapable of performing any of the functions of an environmental laboratory listed in regulation 3; or
 - (f) no longer fulfills the criteria for certification as an environmental laboratory as laid down in regulation 5.
- (2) Agency shall, before revoking or suspending a certification, provide the environmental laboratory an opportunity of being heard.
 - (3) Where any order of revocation or suspension has been passed, the laboratory shall forthwith surrender its certificate to the Agency who shall make an entry of the revocation or suspension thereon.

- (4) Certificate shall be returned to the laboratory on expiry of the suspension period or on restoration of the certification in appeal, after the Agency has made necessary entry thereon.
- (5) Where the certification of an environmental laboratory has been revoked, it shall not be eligible to apply again for certification until lapse of at least one year from the date of such revocation.

15. Appeal: (1) Any person aggrieved by an order of the Agency on an application for certification or an application for renewal of certification or by an order revoking or suspending, or refusing to revoke or suspend, a certification may, within thirty days of the date of communication of the impugned order, file an appeal with the Environmental Tribunal, as provided under sub-section (1) of section 22 of the Act.

- (2) The appeal shall be in such form and be accompanied by such fee as may be prescribed in the rules made in this behalf.

**Section Officer
Planning & Development Department**

Copy to:

1. Secretary to the President, GoAJK.
2. Secretary to the Prime Minister, GoAJK.
3. PS to Minister Environment., GoAJK.
4. PS to the Chief Secretary, GoAJK.
5. PS to the Additional Chief Secretary (Gen.), GoAJK.
6. PS to the Senior Member Board of Revenue, GoAJK.
7. PS to the Additional Chief Secretary (Dev.), GoAJK.
8. PS to the Director General Environment, GoAJK.
9. The Accountant General, Azad Kashmir.
10. The Controller, Govt. Printing Press, Muzaffarabad.
11. Master File.

Section Officer

Azad Government of the State of Jammu & Kashmir
Planning and Development Department
Environmental Protection Secretariat

‘Muzaffarabad’
Dated: April 11, 2009

NOTIFICATION

No. 1123-34/P&DD/Gen/2009. In exercise of the powers conferred by section 32 of Azad Jammu & Kashmir Environmental Protection Act, 2000 (IV of 2000), the AJ&K Environmental Protection Agency, with the approval of the Government is pleased to make the following regulations, namely:

1. Short Title and Commencement: (1) These regulations may be called the Azad Jammu & Kashmir Environmental Protection Agency *Review of Initial Environmental Examination (IEE) and Environmental Impact Assessment (EIA) Regulations, 2009.*

(2) They shall come into force at once.

2. Definitions: (1) In these regulations, unless there is anything repugnant in the subject or context;

(a) “**Act**” means the Azad Jammu & Kashmir Environmental Protection Act, 2000;

(b) “**Agency**” means Azad Jammu & Kashmir Environmental Protection Agency established under Section 5 of the Act;

(c) “**Director-General**” means the Director-General of the AJK-EPA;

(d) “**EIA**” means an Environmental Impact Assessment as defined in clause (xi) Section 2 of the Act;

(e) “**Government**” means Azad Government of the State of Jammu & Kashmir;

(f) “**IEE**” means an Initial Environmental Examination as defined in clause (xxiii) section 2 of the Act;

(g) “**Schedule**” means a schedule to these regulations; and

(h) “**Section**” means a section of the Act.

(2) All other words and expressions used in these regulations but not defined herein shall have the same meanings as are assigned to them in the Act.

3. **Projects Requiring an IEE:** A proponent of a project falling in any category specified in Schedule I shall file an IEE with the Agency, and the provisions of section 11 shall apply to such project.

4. **Projects Requiring an EIA:** A proponent of a project falling in any category specified in Schedule II shall file an EIA with the Agency and the provisions of section 11 of the Act shall apply to such project.

5. **Other Projects Requiring an IEE or EIA:** (1) In addition to any category specified in Schedules I and II, a proponent of any of the following projects shall file;

(a) An EIA, if the project is likely to cause an adverse environmental effect; or

(b) For projects not specified in Schedules I and II but in respect of which the AJK-EPA has issued guidelines for construction and operation an application for approval accompanied by an undertaking and an affidavit that the aforesaid guidelines shall be fully complied with.

(2) Subject to regulation 3, the AJK-EPA may direct the proponent of a project, whether or not listed in Schedule I or II, file an IEE or EIA, for reasons to be recorded in such direction.

(3) No direction under sub-regulation (2) shall be issued without the recommendation, in writing, of the Environmental Assessment Advisory Committee constituted under regulation 22.

(4) The provisions of section 11 shall apply to project in respect of which an IEE or EIA is filed under sub-regulation (1) or (2).

6. **Preparation of IEE and EIA:** (1) Guidelines for preparation of an IEE or EIA including guidelines of general applicability and sectoral guidelines indicating specific assessment requirements for planning, construction and operation of projects relating to particular sector issued by PAK-EPA from time to time shall stand adopted in AJK so far as practicable.

(2) Where guidelines have been issued under sub-regulation (1), an IEE or EIA shall be prepared, to the extent practicable, in accordance therewith and the proponent shall justify in the IEE or, as the case may be EIA and departure there from.

7. **Review of Fees:** (1) The proponent shall pay, at the time of submission of an IEE or EIA, a non-refundable review fee to the Agency, in accordance with rates specified in Schedule III.

8. **Filing of IEE and EIA:** (1) Ten paper copies and two electronic copies of an IEE or EIA shall be filed with the Agency.

- (2) Every IEE and EIA shall be accompanied by;
 - (a) An application, in the form set out in Schedule IV; and
 - (b) Copy of receipt showing payment of the review fee.

9. Preliminary Scrutiny: (1) Within ten working days of filing of the IEE or EIA, the Agency shall;

- (a) confirm that the IEE or EIA is complete for purposes of initiation of the review process;
 - (b) require the proponent to submit such additional information as may be specified; or
 - (c) return the IEE or EIA to the proponent for revision, clearly listing the points requiring further study and discussion.
- (2) Notwithstanding anything contained in sub-regulation (1) the Agency may require the proponent to submit additional information at any stage during the review process.

10. Public Participation: (1) In the case of an EIA, the Agency shall, simultaneously with issue of confirmation of completeness under clause (a) of sub-regulation (1) of regulation 9, cause to be published, in any English or Urdu national newspaper, a public notice mentioning therein the type of project, its exact location, the name and address of the proponent and the places at which the EIA of the project can, subject to the restriction specified in sub-section (3) of section 11 be accessed.

- (2) The notice issued under sub-regulation (1) shall fix a date, time and place for public hearing of any comments on the project or its EIA.
- (3) The date fixed under sub-regulation (2) shall not be earlier than thirty days from the date of publication of the notice.
- (4) The Agency shall also ensure the circulation of the EIA to the concerned Government Agencies and solicit their comments thereon.
- (5) All comments received by the Agency from the public or any concerned Government Agency shall be collated, tabulated and duly considered by it before its decision on the EIA.
- (6) The Agency may issue guidelines indicating the basic techniques and measures to be adopted to ensure effective public consultation, involvement and participation in EIA assessment.

11. Review: (1) The Agency shall make every effort to carry out its review of the IEE within forty five days, and of the EIA within ninety days, after issuance of confirmation of completeness under clause (a) of sub-regulation (1) of regulation 9.

- (2) In reviewing the IEE or EIA, the Agency shall consult such Committee of Experts as may be constituted for the purpose by the Director-General, and may also solicit views of the concerned Advisory Committee, if any, constituted by the Government under sub-section (6) of section 5.
- (3) The Director-General may, where he considers it necessary, constitute a committee to inspect the site of the project and submit its report on such matters as may be specified by him.
- (4) The review of the IEE or EIA by the Agency shall be based on quantitative and qualitative assessment of the documents and data furnished by the proponent, comments from the public and the concerned Government agencies received under regulation 10, and views of the committees mentioned in sub-regulations (2) and (3).

12. Decision: On completion of the review, the decision of the Agency shall be communicated to the proponent in the form set out in Schedule V in the case of an IEE, and in the form set out in Schedule VI in the case of an EIA.

13. Conditions of Approval: (1) Every approval of an IEE or EIA shall, in addition to such conditions as may be imposed by the Agency subject to the condition that the project shall be designed and constructed, and mitigatory and other measures adopted, strictly in accordance with the IEE or, as the case may be, EIA, unless any variation thereto have been specified in the approval by the Agency.

- (2) Where Agency accords its approval subject to certain conditions, the proponent shall;
 - (a) Before commencing construction of the project, acknowledge acceptance of the stipulated conditions by executing an undertaking in the form set out in Schedule VII; and
 - (b) Before commencing operation of the project, obtain from Agency a written confirmation of compliance that the conditions of the approval, and the requirements given in the IEE or EIA relating to design and construction, adoption of mitigatory and other measures and other relevant matters, have been duly complied with.

14. Confirmation of Compliance: (1) The request for obtaining a written confirmation of compliance under clause (b) of sub-regulation (2) of regulation 13 shall be accompanied by an Environmental Management Plan indicating the measures and procedures proposed to be taken to manage or mitigate the environmental impacts for the life of the project, including provisions for monitoring, reporting and auditing.

- (2) Where a request for confirmation of compliance is received from a proponent, Agency may carry out such inspection of the site and plant and machinery and seek such additional information from the proponent as it may deem fit.
- (3) The Agency shall issue the written confirmation of compliance, or otherwise within fifteen days of receipt of the request and such additional information, from the proponent as may be required under sub-regulation (2).
- (4) The Agency may, while issuing of the written confirmation of compliance impose such other conditions as to the Environmental Management Plan, and the operation, maintenance and monitoring of the project as it may deem fit, and such conditions shall be deemed to be included in the conditions to which approval of the project is subject.

15. Extension in Review Period: Where the Government in any particular case extends the period of four months for communication of its approval under sub-section (5) of section 11 it shall, in consultation with the Agency, indicate the various steps of the review process to be taken during the extended period, and the estimated time required for each step.

16. Validity Period of Approval: (1) The approval accorded by the Agency under section 11 read with regulation 12 shall be valid for commencement of construction for a period of three years from the date of issue.

- (2) If construction is commenced during the initial three years of the validity period, the validity of the approval shall stand extended for a further period of three years from the expiry of period specified in sub-regulation (1).
- (3) After issuance of confirmation of compliance, the approval shall be valid for a period of three years from the date thereof.
- (4) Subject to sub-regulation (5), the proponent may apply to the Agency for extension in the validity period mentioned in sub-regulations (1), (2) and (3) which may be granted by the Agency in its discretion for such period not exceeding three years at a time, if the conditions of the approval do not require significant change.
- (5) For the purposes of sub-regulation (4), the Agency may require the proponent to submit a fresh IEE or, as the case may be, EIA, if in its opinion changes in location, design, construction and operation of the project so warrant.

17. Entry and Inspection: (1) For the purposes of verification of any matter relating to the review or the conditions of approval of an IEE or EIA prior to, during or after the commencement of construction or operation of a project, duly

authorized staff of Agency may enter and inspect the project site, factory building and plant and equipment installed therein.

- (2) The proponent shall take steps to ensure full co-operation of the project staff at site to facilitate the inspection, and shall provide such information as may be required by the Agency for the purpose of such inspection and pursuant thereto.

18. Monitoring: (1) After issuance of an approval, the proponent shall submit a report to the Agency after completion of construction of the project.

- (2) After issue of confirmation of compliance, the proponent shall submit an annual report summarizing operational performance of the project, with reference to conditions of the approval and maintenance and mitigatory measures adopted for the project.

19. Cancellation of Approval: (1) In case, at any time, on the basis of information or report received or inspection carried out, the Agency is of the opinion that the conditions of an approval have not been complied with, or that the information supplied by a proponent in the approved IEE or EIA is incorrect, it shall issue notice to the proponent to show cause, within two weeks of receipt thereof as to why the approval should not be cancelled.

- (2) In case no reply is received, or the reply is considered unsatisfactory, the Agency may, after giving the proponent an opportunity of being heard,
 - (a) require the proponent to take such measures and to comply with such conditions within such period as it may specify, failing which the approval shall stand cancelled; or
 - (b) cancel the approval.
- (3) On cancellation of the approval, the proponent shall cease construction or operation of the project forthwith.
- (4) Any action taken under this regulation shall be without prejudice to any other action that may be taken against the proponent under the Act, rules, regulations or any other law for the time being in force.

20. Registers for IEE and EIA Projects: Separate Registers shall be maintained by the Agency for IEE and EIA projects under sub-section (7) of section 11 in the form set out in Schedule VIII.

21. Environmentally Sensitive Areas: (1) The Agency may, by notification in the Official Gazette, designate an area to be an environmentally sensitive area.

- (2) Notwithstanding anything contained in regulations 3 and 4, the proponent of a project situated in an environmentally sensitive area shall be required to file an EIA with the Agency.

- (3) The Agency may, from time to time, issue guidelines to assist proponents and other persons involved in the environmental assessment process to plan and prepare projects located in environmentally sensitive areas.
- (4) Where guidelines have been issued under sub-regulation (3), the projects shall be planned and prepared, to the extent practicable, in accordance therewith and any departure there from justified in the EIA pertaining to the project.

22. Environmental Assessment Advisory Committee: For the purposes of rendering advice on all aspects of environmental assessment including guidelines, procedures and categorization of projects, the Director-General shall constitute an Environmental Assessment Advisory Committee consisting of the following persons, namely:

- | | |
|--|-----------------|
| (a) Director, Agency | Chairman |
| (b) Deputy Director EIA, Pak-EPA | Member |
| (c) Assistant Director EIA, Agency | Member |
| (d) One representative each from PEPA, EPA-KPK, NWFP and EPA Northern Areas. | Member |
| (e) One representative each from Forest, Wildlife, Fisheries, Industry, LG&RDD, PP&H, PHE & C&W. | Member |
| (f) Other experts. | |

23. Other Approvals: Issuance of an approval under section 11 read with regulation 12 shall not absolve the proponent of the project to obtain any other approval or consent that may be required under any law for the time being in force.

SCHEDULE I
(See regulation 3)

LIST OF PROJECTS REQUIREING AN IEE

- A. Agriculture, Livestock and Fisheries, etc.**
 1. Poultry, livestock, stud and fish farms with total cost of more than ten million rupees.
 2. Projects involving repacking, formulation or warehousing of agricultural products.
- B. Energy.**
 1. Hydroelectric power generation less than 50 MW.

2. Thermal power generation less than 200 MW.
3. Transmission lines less than 11 KV, and large distribution projects.
4. Oil and gas transmission systems.
5. Oil and gas extraction projects including exploration, production, gathering systems, separation and storage.
6. Waste-to-energy generation projects.

C. Manufacturing and Processing.

1. Ceramics and glass units with total cost of more than fifty million rupees.
2. Food processing industries including sugar mills, beverages, milk and dairy products, with total cost of less than one hundred million rupees.
3. Man-made fibers and resin projects with total cost of less than one hundred million rupees.
4. Manufacturing of apparel including dyeing and printing, with total cost of more than twenty-five million rupees.
5. Wood products with total cost of more than twenty-five million rupees.

D. Mining and Mineral Processing.

1. Commercial extraction of sand, gravel, limestone, clay, sulphur and other minerals, not included in Schedule II with total cost of less than one hundred million rupees.
2. Crushing, grinding and separation processes.
3. Smelting plants with total cost of less than fifty million rupees.

E. Transport.

1. Roads and highways (except maintenance, re-building or re-construction of existing metaled) with total cost of less than fifty million rupees.
2. Ports and harbor development for ships less than five hundred gross tons.

F. Water Management, Dams, Irrigation and Flood Protection.

1. Dams and reservoirs with storage volume less than fifty million cubic meters or surface area less than eight square kilometers.
2. Irrigation and drainage projects serving less than fifteen thousand hectares.

3. Small scale irrigation systems with total cost less than fifty million rupees.

G. Water Supply and Treatment.

Water supply schemes and treatment plants with total cost of less than twenty-five million rupees.

H. Waste Disposal.

Waste disposal facility for domestic or industrial wastes, with annual capacity less than ten thousand cubic meters.

I. Other Projects.

Any other project for which filing of an IEE is required by the Agency under sub-regulation (2) of regulation 5.

SCHEDULE II
(See regulation 4)

LIST OF PROJECTS REQUIRING AN EIA

A. Energy.

1. Hydroelectric power generation over fifty megawatts.
2. Thermal power generation over two hundred megawatts.
3. Transmission lines (eleven kilovolts and above) and grid stations.
4. Nuclear power plants.
5. Petroleum refineries.

B. Manufacturing and Processing.

1. Cement plants.
2. Chemical projects
3. Fertilizer plants.
4. Food processing industries including sugar mills, beverages, milk, and dairy products, with total cost of one hundred million rupees and above.
5. Industrial estates (including export processing zones).
6. Man-made fibers and resin projects with total cost of one hundred million rupees and above.
7. Pesticides (manufacture or formulation).
8. Petrochemicals complex.

9. Synthetic resins, plastics and man-made fibers, paper and paperboard, paper pulping, plastic products, textiles (except apparel) printing and publishing, paints and dyes, oils and fats and vegetable ghee projects, with total cost more than ten million rupees.

10. Tanning and leather finishing projects.

C. Mining and Mineral Processing.

1. Mining and processing of coal, gold, copper, sulphur and precious stones.

2. Mining and processing of major non-ferrous metals, iron and steel rolling.

3. Smelting plants with total cost of fifty million rupee and above.

D. Transport.

1. Airports.

2. Roads and highways or major roads (except maintenance, rebuilding or re-construction of existing roads) with total cost of fifty million rupees and above.

3. Railway works.

E. Water Management, Dams, Irrigation and Flood Protection.

1. Dams and reservoirs with storage volume of twenty million cubic meters and above or surface area of five square kilometers and above.

2. Irrigation and drainage projects serving five thousand acres and above.

F. Water Supply and Treatment.

1. Water supply schemes and treatment plants with total cost of fifteen million rupees and above.

G. Waste Disposal.

1. Waste disposal and storage of hazardous or toxic wastes including landfill sites and incineration of hospital toxic waste.

2. Waste disposal facilities for domestic or industrial wastes, with annual capacity more than ten thousand cubic meters.

H. Urban Development and Tourism.

1. Land use studies and urban plans in large cities.

2. Large-scale tourism development projects with total cost of more than twenty five million rupees.

I. Environmentally Sensitive Areas.

All projects situated in environmentally sensitive areas.

J. Other Projects.

1. Any project for which filing of an EIA is required by the Agency under sub-regulation (2) of regulation 5.
2. Any other project likely to cause an adverse environmental effect.

SCHEDULE III

(See regulation 7)

IEE/EIA REVIEW FEES

Total Project Cost	IEE	EIA
1	2	3
<i>Up to Rs. 5,000,000</i>	Nil	Nil
<i>From Rs. 5,000,001 to 10,000,000</i>	Rs. 10,000	Rs. 15,000
<i>Greater than Rs. 10,000,000</i>	Rs. 15,000	Rs. 30,000

SCHEDULE IV
 [(See regulation 8(a))]
APPLICATION FORM

- | | | |
|--|------------------|--|
| 1. Name & Address of proponent: | | Phone: |
| 2. Description of Project : | | Fax: |
| 3. Location of Project : | | Email : |
| 4. Objective of Project : | | |
| 5. IEE/EIA attached: | IEE/EIA | Yes/No |
| 6. Have alternative sites been considered and reported in the IEE/EIA? | | Yes/No |
| 7. Existing land use: | | Land requirement : |
| 8. Is basic site data available, or has it been measured? | | (only tick yes if the data is reported in the IEE/EIA) |
| | Available | Measured |
| Meteorology (including rainfall): | Yes/No | Yes/No |
| Ambient air quality: | Yes/No | Yes/No |
| Ambient water quality: | Yes/No | Yes/No |
| Ground water quality | Yes/No | Yes/No |
| 9. Have estimates of the following been reported | <u>Estimated</u> | <u>Reported</u> |
| Water balance. | Yes/No | Yes/No |
| Solid waste disposal. | Yes/No | Yes/No |
| Liquid waste treatment | Yes/No | Yes/No |
| 10. Source of Power: | | Power requirement |
| 11. Labor force:
(number). | | Construction operation |

Verification. — I do solemnly affirm and declare that the information given above and contained in the attached IEE/EIA is true and correct to the best of my knowledge and belief.

Date: _____

Signature: _____

Name & Designation of
Proponent: _____

Official stamp/seal: _____

SCHEDULE V
(See regulation 12)
DECISION ON IEE

1. Name and address of proponent: _____
2. Description of project _____
3. Location of project: _____
4. Date of filing of IEE: _____

5. After careful review of the IEE, the AJK-EPA has decided;

a. to accord its approval, subject to the following conditions:

_____ ; or

b. that the proponent should submit an EIA with the following reasons:

_____ ; or

[Delete (a) or (b), whichever is inapplicable]

Date: _____

Tracking No. _____

Director General
AJK-EPA
(Official stamp/seal)

SCHEDULE VI
(See regulation 12)

DECISION ON EIA

1. Name and address of proponent: _____
2. Description of project: _____
3. Location of project: _____
4. Date of filing of IEE: _____

5. After careful review of the IEE, the AJK-EPA has decided;

a. to accord its approval, subject to the following conditions:

_____ ; or

b. that the proponent should submit and EIA with the following modification:

_____ ; or

c. to reject the project, being contrary to environmental objectives, for the following reasons:

[Delete (a)/(b)/(c) whichever is inapplicable]

Date: _____

Unique Tracking No. _____

Director General
AJK-EPA
(Official Stamp/seal)

SCHEDULE VII
[See regulation 13 (2)]
UNDERTAKING

I.....(full name and address) as proponent for
.....(name, description and location of project) do
hereby solemnly affirm and declare that I fully understand and accept the
conditions contained in the approval accorded by the AJK-EPA bearing tracking
no. dated, and undertake to design, construct and
operate the project strictly in accordance with the said conditions and the
IEE/EIA.

Date: _____

Signature: _____

Name & Designation of

Proponent: _____

Official stamp/seal: _____

Witnesses:

(full names and addresses)

(1) _____

(2) _____

Director General
AJK-EPA
(Official Stamp/seal)

SCHEDULE VIII
(See regulation 20)
FORM OF REGISTERS FOR IEE AND EIA PROJECTS

S. No.	Description	Relevant information
1.	Unique Tracking number.	
2.	Category type (as per, Schedules I and II)	
3.	Name of proponent.	
4.	Name and designation of contact person.	
5.	Name of consultant.	
6.	Description of project.	
7.	Location of project.	
8.	Project capital cost.	
9.	Date of receipt of IEE/ EIA.	
10.	Date of confirmation of completeness.	
11.	Approval granted (Yes/ No).	
12.	Date of approval granted or refused.	
13.	Conditions of approval/ reasons for refusal.	
14.	Date of Undertaking.	
15.	Date of extension of approval validity.	
16.	Period of extension.	
17.	Date of commencement of construction.	
18.	Date of issue of confirmation of compliance.	
19.	Date of commencement of operations.	
20.	Dates of filing of monitoring reports.	
21.	Date of cancellation, if applicable.	

Section Officer
Planning & Development Department

Copy to:

1. Secretary to the President, GoAJK.
2. Secretary to the Prime Minister, GoAJK.
3. PS to Minister Environment., GoAJK.
4. PS to the Chief Secretary, GoAJK.
5. PS to the Additional Chief Secretary (Gen.), GoAJK.
6. PS to the Senior Member Board of Revenue, GoAJK.
7. PS to the Additional Chief Secretary (Dev.), GoAJK.
8. PS to the Director General Environment, GoAJK.
9. The Accountant General, Azad Kashmir.
10. The Controller, Govt. Printing Press, Muzaffarabad.
11. Master File.

Section Officer

Azad Government of the State of Jammu & Kashmir
Planning and Development Department
Environmental Protection Secretariat

‘Muzaffarabad’
Dated: April 11, 2009

NOTIFICATION

No. 1135-45/P&DD/Gen/2009. In exercise of the powers conferred by section 30 of the Azad Jammu & Kashmir Environmental Protection Act, 2000 (IV of 2000), read with sub-section (3) of section 9 thereof, the Government is pleased to make the following rules, namely:

1. Short Title and Commencement: (1) These rules may be called the *State Sustainable Development Fund Board (Procedure) Rules, 2009*.

(2) They shall come into force at once.

2. Definitions: (1) In these Rules, unless there is anything repugnant in the subject or context;

(a) “**Act**” means the Environmental Protection Act, 2000 (IV of 2000);

(b) “**Agency**” means Azad Jammu & Kashmir Environmental Protection Agency established under Section 5 of the Act;

(c) “**Board**” means the State Sustainable Development Fund Board constituted under section 8 of the Act;

(d) “**Chairperson**” means the Chairperson of the Board;

(e) “**Committee**” means a Committee of the Board constituted under sub-section (3) of section 9 of the Act;

(f) “**Government**” means Azad Government of the State of Jammu & Kashmir;

(g) “**Member**” means a member of the Board; and

(h) “**Secretary**” means the Secretary of the Board;

(2) All other words and expressions used in these rules but not defined herein shall have the same meaning as are assigned to them in the Act 2000.

3. Meetings of the Board: (1) The Board shall meet at the State Capital, or any other place specified by the Chairperson or approved by the Board, at least once in each quarter.

(2) The date of the meeting of the Board shall be communicated in writing to the members by the Secretary at least twenty-one days before the date of the meeting.

(3) An extraordinary meeting of the Board may be called by the Chairperson on the requisition of not less than six members to consider any urgent matter:

Provided that any such urgent matter shall be clearly specified in the requisition:

Provided further that where in the opinion of the Chairperson it is not possible to convene a meeting to consider such urgent matter, it may be circulated to the members and a decision thereon taken in accordance with the views of the majority of the total membership.

(4) To constitute a quorum at a meeting of the Board, the member or members present shall be nine.

(5) Meetings of the Board shall be presided over by the Chairperson and, in the absence of the Chairperson, by a member elected for the purpose by the members present from amongst themselves.

(6) Members shall not be paid any remuneration for their services by the Board other than daily allowance and/ or traveling allowance for attending meetings of the Board.

4. Agenda of the Meetings: (1) An agenda listing the matters or business to be brought before the meeting, along with an explanatory memorandum or working paper for each matter prepared by the proposers, shall be communicated in writing to the members by the Secretary along with the notice of the date and place of the meeting.

(2) Subject to sub-rule (3), any member may propose to the Secretary any matter for inclusion in the agenda of a meeting.

(3) Any matter referred to in sub-rule (2), shall;

(a) fall within the scope of the functions and powers of the Board, as specified in sub-sections (2) and (3) of section 9 of the Act; and

(b) be supported by an explanatory memorandum or working paper which clearly and precisely presents the relevant facts and the issues, proposals requiring decision and , in the case of a proposal submitted to the Board for sanction of financial assistance, shall contain such information and details in such format and be accompanied by a fee of five thousand rupees.

(4) The Chairperson may disallow inclusion of any matter in the agenda which in his opinion fails to meet the conditions specified in sub-rule (3).

(5) The Secretary shall communicate to the proposer the reasons for the decision to disallow inclusion of any matter in the agenda.

5. Decisions of the Board: (1) The Board shall make every effort to take decisions by consensus, failing which decisions shall be taken by majority of votes.

(2) Each member of the Board shall have one vote, but in case of equality of votes, the Chairperson or the person presiding the meeting, shall have a casting vote.

(3) All decisions of the Board shall be recorded in a minute book maintained by the Secretary and shall be authenticated by the signature of the Chairperson or of such other member as may have been authorized by the Board by a resolution.

6. Committees of the Board: (1) The Board may for facilitating the performance of its functions and ensuring efficient operation of the Fund, constitute Committees of its members including at least one non-official member, and entrust them with such functions as it may deem fit.

(2) The Chairperson of a Committee shall be appointed by the Board at the time of constitution of the Committee.

(3) A Committee shall meet on such date and at such place as may be specified by the Chairperson of the Committee.

(4) One-half of the total number of members of a Committee shall constitute a quorum for its meeting.

(5) The recommendations of the Committee shall be submitted to the Board for approval.

7. Invitations to Experts, etc: The Board, or any of its Committees, may co-opt any technical expert or representative of any Government agency or non-governmental organization or other person possessing specialized knowledge of any subject for assistance in performance of its functions and in disposal of its business but such expert or representative or person shall not be entitled to vote.

8. Traveling and Daily Allowances: (1) An official member shall draw traveling allowance and daily allowance for attending the meeting of the Board or of a Committee of the Board from the Government agency from which he draws salary and other emoluments.

(2) A member other than official member shall draw traveling allowance and daily allowance for attending the meeting of the Board or of a Committee of the Board from the Secretary, on such rates and in such manner as are admissible to an employee of the Government in BPS-20.

Section Officer
Planning & Development Department

Copy to:

1. Secretary to the President, GoAJK.
2. Secretary to the Prime Minister, GoAJK.
3. PS to Minister Environment., GoAJK.
4. PS to the Chief Secretary, GoAJK.
5. PS to the Additional Chief Secretary (Gen.), GoAJK.
6. PS to the Senior Member Board of Revenue, GoAJK.
7. PS to the Additional Chief Secretary (Dev.), GoAJK.
8. PS to the Director General Environment, GoAJK.
9. The Accountant General, Azad Kashmir.
10. The Controller, Govt. Printing Press, Muzaffarabad.
11. Master File.

Section Officer

Azad Government of the State of Jammu & Kashmir
Planning and Development Department
Environmental Protection Secretariat

‘Muzaffarabad’
Dated: April 11, 2009

NOTIFICATION

No. 1146-56/P&DD/Gen/2009. In exercise of the powers conferred by section 30 of the Azad Jammu & Kashmir Environmental Protection Act, 2000 (IV of 2000), the Government is pleased to make the following rules, namely:

1. Short Title and Commencement: (1) These rules may be called the *Environmental Samples Rules, 2009*.

(2) They shall come into force at once.

2. Definitions: (1) In these Rules, unless there is anything repugnant in the subject or context;

(a) “**Act**” means the AJK Environmental Protection Act, 2000 (IV of 2000);

(b) “**Authorized Person**” means a person authorized by the Director-General under rule 3;

(c) “**Agency**” means Azad Jammu & Kashmir Environmental Protection Agency (AJK-EPA) established under Section 5 of the Act;

(d) “**Chief Analyst**” means the Chief Analyst of an environmental laboratory, and includes an Analyst who is performing the functions of the Chief Analyst in the environmental laboratory;

(e) “**Director-General**” means the Director-General of the Agency;

(f) “**Environmental Laboratory**” means a laboratory to which certification has been granted under the Azad Jammu & Kashmir Environmental Protection Agency (Certification of Environmental Laboratories) Regulations, 2009; and

(g) “**Form**” means the form annexed to these rules;

(h) “**Government**” means Azad Government of the State of Jammu & Kashmir;

(2) All other words and expressions used in these rules but not defined herein shall have the same meanings as are assigned to them in the Act.

3. Authorization: (1) Functions and powers specified in these rules including powers under clauses (g), (h), (i) and (j) of section 7 of the Act, of the Agency if delegated to it, may be performed and exercised by any person duly authorized by the Director General in this behalf, under sub-section (5) of section 5 of the Act.

(2) In performing such functions and exercising such powers under sub-rule (1), an authorized person may employ such assistance as he may consider necessary;

Provided that police assistance, if required, shall be obtained only under orders of the Environmental Tribunal or Environmental Magistrate having jurisdiction.

4. Entry and Inspection: (1) An authorized person shall before entering any place, record in writing the reasonable grounds leading him to believe that an offence under the Act has been, or is being committed therein.

(2) For the purpose of determining whether, and if so in what manner, an offence under the Act has been, or is being committed, in any place an authorized person may;

(a) Enter and inspect such place, and examine any machinery or equipment while in operating condition, or any relevant document or other article found therein; and

(b) Take into possession, against a signed receipt, any article which he has reason to believe has been or is involved in, or which may furnish evidence of, the commission of an offence.

Provided that where it is not practicable to take physical possession of any such article, the authorized person may, by order in writing in the form as set out in Form 'A' entrust the article to the custody of the owner or the person previously holding the article in his possession or charge, and direct him not to remove or otherwise deal with the article except with the prior written permission of the authorized person.

Provided further that where the owner or person previously holding the article in his possession or charge is not known or cannot be found within reasonable time, the authorized person may in one English and one Urdu daily newspapers, calling upon such person after publication notice to show cause as why the article should not be confiscated.

(3) Any power under clause (b) of sub-rule (2) shall not be exercised if production or operations in such place will be adversely affected unless prior permission in writing is obtained from the Environmental Tribunal or Environmental Magistrate having jurisdiction.

- (4) The owner or person in charge of the place in which entry is sought by an authorized person shall, on being informed of his purpose and shown his authorization, allow him unimpeded access to such place and provide all reasonable facilities for his inspection:

Provided that the authorized person shall abide by all safety rules and precautions applicable to such place.

5. Search: (1) Where an authorized person considers it necessary to search for an article of the nature specified in clause (b) of sub-rule 2 of rule 4, he may apply to the Environmental Tribunal or Environmental Magistrate having jurisdiction for a search-warrant, specifying in his application, to the extent possible, the article for which search is to be made.

- (2) The Environmental Tribunal or Environmental Magistrate may, on an application of an authorized person under sub-rule (1), for reasons to be recorded in writing, issue a search-warrant specifying the place to be searched and, to the extent possible, the article for which search is to be made, and may also lay down such other conditions as it may deem fit in the circumstances of the case.

- (3) If despite stating his purpose and showing his search-warrant, an authorized person cannot obtain entry into such place, he may break or open any lock, door gate or window of such place.

Provided that if the place into which entry is sought is in the actual occupancy of a woman who, according to custom, does not appear in public, the authorized person shall give notice to such woman to withdraw and shall afford her every reasonable opportunity of withdrawing, before breaking or opening and entering such place.

- (4) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall mutatis mutandis, apply to searches made under this rule.

6. Issuance of Environmental Protection Order: Where on entry, inspection or search of any place, an authorized person is satisfied that the circumstances in such place require issue of an Environmental protection Order in respect thereof, he shall immediately inform the Director-General in writing, for initiation of necessary action in accordance with the provisions of section 15 of the Act.

7. Procedure for taking Samples: (1) An authorized person taking samples under clause (h) of section 7 of the Act shall forthwith divide the same into three portions, in the presence of the person from whom the sample is taken:

Provided that where the sample is such that it cannot or need not be divided, additional samples should be taken, if possible.

- (2) An authorized person shall take samples in clean, dry bottles or jars or other suitable containers which shall be closed sufficiently tight to prevent leakage or evaporation or entry of moisture:
Provided that where necessary the authorized person shall add preservative to the sample before sealing the container.
- (3) All such bottles or jars or containers shall be labeled, placed in a cloth or other bag which shall be sewn or glued at the ends and then effectively sealed on the stitches or ends and suitably marked and signed by the authorized person and the person from whom the sample is taken.
- (4) Where the person from whom the sample is taken is not available, or willfully absents himself or is unknown at the relevant time, or declines to add his seal or mark or signatures, the Authorized person shall obtain on the sealed parcel the seal or mark and, if possible, signatures of one or more independent witnesses in whose presence the sample has been taken.
- (5) Both the label and the sealed parcel shall contain a distinguishing number, a brief description of the sample and the preservative, if any, and the place, date and time of taking the sample.

8. Dispatch of Samples: (1) One portion of the sample duly packed, sealed and marked as provided in rule 7 shall be handed over to the person from whom the sample is taken, along with a notice in the form as set out in Form B:

Provided that, in cases covered under sub-rule (4) of rule 7, the first portion and notice in Form B shall be dispatched to the person from whom the sample is taken, if since traced by registered post.

- (2) The second portion of the sample, or the second sample, or the sample itself where taking of only one sample is possible, shall, after being duly packed, sealed, labeled and marked as provided in rule 7, be delivered within forty-eight hours to an environmental laboratory for test and analysis, along with forwarding letter in the form as set out in Form C.
- (3) The third portion of the sample or the third sample, after being duly packed, sealed, labeled and marked as provided in rule 7, shall be retained by the authorized person for future test and analysis, and comparison, as may be required.
- (4) Specimen impression of the seal affixed on the parcel shall be sent by the authorized person to an environmental laboratory separately by registered post or courier.

9. Detailed Sampling Rule: (1) Subject to the provisions of the rules 7 and 8, where the nature of the samples or the tests or analyses proposed to be carried out so required the Director-General may specify further details as to the

procedures for taking, packing, storage and dispatch of samples, and where such details have been specified, the authorized person shall comply therewith.

10. Test and Analysis of Samples: (1) On receipt of sealed parcel containing a sample for test and analysis, the Chief Analyst shall compare the seals on the parcel with the specimen impression received and shall note the condition of the seal thereon.

(2) Amongst other tests or analyses, the Chief Analyst shall particularly test or analyze the sample to determine whether it conforms to the National Environmental Quality Standards.

(3) After the test or analysis, the Chief Analyst, on receipt of fees payable in respect thereof, shall forthwith send to the authorized person a certificate in the form as set out in Form D, in triplicate, declaring the results of such test or analysis.

(4) The Chief Analyst shall, as far as possible, carry out the test or analysis and send the certificate in the form as set out in Form D to the authorized person within thirty days of receipt of the sample:

Provided that if for any reason the Chief Analyst is unable to carry out the test or analysis within the prescribed period, he shall inform the authorized person accordingly who may collect the sample and send the same to another environmental laboratory for the purpose.

(5) On receipt of the certificate in the form as set out in Form D, in triplicate, the authorized person shall;

(a) Send one original to the person from whom the sample is taken;

(b) Submit the second original with the complaint, if any, filed with the Environmental Tribunal or Environmental Magistrate ; and

(c) Retain the third original in his record or in the record of the Agency for future use.

11. Admissibility and Evidentiary Value of Certificate of Environmental Laboratory: (1) Upon production in any inquiry, trial or other proceedings under the Act, of the certificate in Form D issued by the Chief Analyst of an environmental laboratory in respect of a sample, the person from whom the sample is taken may, within fifteen days of receipt of the certificate, give notice to the authorized person in writing of his intention to contest the results contained in the certificate.

(2) Where on the request of the accused the Environmental Tribunal considers it necessary in the interests of justice, it may summon the Chief Analyst to give evidence in respect of the certificate issued by him:

Provided that the costs of summoning the Chief Analyst shall be deposited by the accused, and if the accused is subsequently acquitted, the same shall be refunded to him.

12. Filing of Complaint: (1) On receipt of a certificate in Form D, an authorized person may, if the said certificate indicates contravention or failure to comply with the provisions of sub-section (1) of section 10 of the Act, file a complaint against the person or persons responsible for such contravention or failure, with the Environmental Tribunal having jurisdiction.

(2) A complaint referred to in sub-rule (1) shall be accompanied by an original certificate in Form D, and attested copies of a notice in Form B, forwarding letter of sample in Form C and notice if any, received under sub-rule (1) of rule 11.

(3) The authorized person may also submit to the Environmental Tribunal any article taken into possession under clause (b) of sub-rule (2) of rule 4, if it is considered necessary and practicable to do so.

13. Expenses of Prosecution: Along with the complaint, the authorized person may also file a statement indicating the expenses incurred in the prosecution, including the costs of samples and of test and analysis thereof, and may request the Environmental Tribunal that in case of conviction the aforesaid expenses may be reimbursed to the complainant, in accordance with the provisions of section 545 of the Code of Criminal Procedure, 1898 (Act V of 1898).

14. Second test and analysis: (1) Where the Environmental Tribunal is of the opinion, on the basis of evidence produced before it by the accused against whom the complaint has been filed, that further investigation is justified and is possible notwithstanding the time elapsed, it may, after recording the grounds for its opinion, direct that the third portion of the sample in the custody of the authorized person be sent for second test and analysis to another environmental laboratory:

Provided that the costs of the second test and analysis shall be deposited by the accused, and if the accused is subsequently acquitted, the same shall be refunded to him.

(2) The provisions of rules 10 and 11 shall apply to the second test and analysis under sub-rule (1), and the certificate in the form as set out in Form D in respect thereof shall be issued.

15. Procedure for Trial: The Environmental Tribunal shall try an offence under sub-section (1) of section 10 of the Act in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

16. Right of Private Persons to have Samples Analyzed: (1) Any person may apply in writing to the Director General for arranging test and analysis of such sample and from such person as may be specified in the application.

(2) If the Director General approves the application, he shall instruct an authorized person to take the sample and arrange for its test and analysis, and the provisions of rules 7 to 11 shall, mutatis mutandis, apply thereto.

(3) The costs of taking the sample and of the test and analysis shall be paid by the applicant:

Provided that in case the sample is found by an environmental laboratory not to conform to the National Environmental Quality Standards, the amount paid by the applicant shall be returned to him.

FORM A
[See rule 4(2)(b)]
CUSTODY ORDER

To _____
[Name and address of person to whom Article is entrusted]

Dear Sir/ Madam

WHEREAS I have reason to believe that the following article has been/is involved/may furnish evidence of commission of an offence under the AJK Environmental Protection Act, 2000 (IV of 2000), namely:

(Description of article)

AND WHEREAS the said article has been taken into possession by me under rule 4(2)(b) of the Environmental Samples Rules, 2009;

NOW THEREFORE I hereby direct you, under rule 4(2) (b) of the aforesaid rules, to keep the above specified article in your safe custody and in proper storage and not to remove or otherwise deal with the article except with my prior written permission.

Place: _____

Date: _____

Time: _____

Authorized Person

Received: _____

(Signature of person to whom article is entrusted)

WITNESSES:

1. _____

2. _____

FORM B
[See rule 8(1)]
NOTICE

To

[Name and address of person to whom Sample is taken]

Dear Sir/ Madam

I have this day taken from the premises of *(name)* situated at *(address)* the sample described below, for test and analysis at an environmental laboratory, under the provisions of the AJK Environmental Protection Act, 2000, and the Environmental Samples Rules, 2009, namely:

(Description of sample)

One portion of the sample, in sealed parcel bearing number ____, is being handed over/ sent to you herewith

Place: _____

Date: _____

Time: _____

Authorized Person

Received: _____

(Signature of person to whom sample is taken)

WITNESSES:

(Name and address)

1. _____

2. _____

FORM C
[See rule 8(2)]
TEST AND ANALYSIS OF SAMPLE

To

The Chief Analyst
[Name and address of Environmental laboratory]

Dear Sir/ Madam

I hereby submit sealed parcel bearing no. _____ containing the following sample for test and analysis and report under clause (i) of section 7 of the AJK Environmental Protection Act, 2000, read with rules 8(2) and 10(3) of the Environment Samples Rules, 2009, namely:

(Description of sample)

The sample was obtained from the premises of [name] situated at [address] on [date] at [time].

The parcel containing the sample has been affixed with seals and specimen impression of which is being sent to you separately.

Place: _____

Date: _____

Time: _____

Authorized Person

cc. [Name and address of person from whom sample is taken],

FORM D
[See rule 10(3)]
CERTIFICATE OF TEST OR ANALYSIS
[to be signed in triplicate]

I hereby certify that

- (1) This laboratory had been granted certification as an environmental laboratory under the AJK Environmental Protection Agency (Certification of Environmental Laboratories) Regulations, 2000.
- (2) A parcel bearing no. _____ said to contain a sample of [description] was received in this laboratory on [date] at [time] dispatched by [*name, designation and address of person*] by post/ courier/ personal delivery.
- (3) The seals of the parcel were compared with the seal impression received separately and were found to match/ not match.
- (4) The seals on the parcel were intact/ broken.
- (5) The seals were opened in my presence and the sample was found fit/unfit for test/ analysis.
- (6) I have carried out the following test/ analysis:

- (7) I declare the results of the test/ analysis as follows:

Pursuant to the above results, I am of the opinion that the sample does/ does not conform to the National Environmental Quality Standards, and that:

Place: _____

Date: _____

(Chief Analyst)
[*Name and address of environmental Laboratory*]

Section Officer
Planning & Development Department

Copy to:

1. Secretary to the President, GoAJK.
2. Secretary to the Prime Minister, GoAJK.
3. PS to Minister Environment., GoAJK.
4. PS to the Chief Secretary, GoAJK.
5. PS to the Additional Chief Secretary (Gen.), GoAJK.
6. PS to the Senior Member Board of Revenue, GoAJK.
7. PS to the Additional Chief Secretary (Dev.), GoAJK.
8. PS to the Director General Environment, GoAJK.
9. The Accountant General, Azad Kashmir.
10. The Controller, Govt. Printing Press, Muzaffarabad.
11. Master File.

Section Officer

Azad Government of the State of Jammu & Kashmir
Planning and Development Department
Environmental Protection Secretariat

‘Muzaffarabad’
Dated: April 11, 2009

NOTIFICATION

No. 1157-67/P&DD/Gen/2009. In exercise of the powers conferred by section 30 of the Azad Jammu & Kashmir Environmental Protection Act, 2000 (IV of 2000), the Government is pleased to make the following rules, namely:

1. Short Title and Commencement: (1) These rules may be called the *State Environmental Quality Standards (Self-Monitoring and Reporting by Industry) Rules, 2009*.

(2) They shall come into force at once.

2. Definitions: (1) In these rules, unless there is anything repugnant in the subject or context;

- (a) “**Act**” means the Environmental Protection Act, 2000 (IV of 2000);
- (b) “**Agency**” means Azad Jammu & Kashmir Environmental Protection Agency established under Section 5 of the Act;
- (c) “**Associated Company**” and associated undertaking, shall have the same meaning as defined in the Companies Ordinance, 1984 (XLVII of 1984);
- (d) “**Certified Environmental Laboratory**” means an environmental laboratory which has been granted certification under the *State Environmental Quality Standards (Certification of Environmental Laboratories) Regulations, 2009*;
- (e) “**Director General**” means the Director General of the Agency;
- (f) “**Environmental Monitoring Report**” means the report submitted by an industrial unit to the Agency in respect of priority parameters;
- (g) “**Government**” means the Azad Government of the State of Jammu and Kashmir;
- (h) “**Industrial Unit**” means any legal entity carrying on industrial activity;

- (i) **“Pollution Level”** means the number of units per unit of production determined under the Pollution Charge for Industry (Calculation and Collection) Rules, 2009;
 - (j) **“Priority Parameters”** means those parameters of the National Environmental Quality Standards which have been selected for purposes of submission of Environmental Monitoring Reports to the Agency by an industrial unit; and
 - (k) **“Schedule”** means the Schedule amended to these rules.
- (2) All other words and expression used in these rules but not defined herein shall have the same meanings as are assigned to them in the Act.

3. Responsibility for Reporting: All industrial units shall be responsible for correct and timely submission of Environmental Monitoring Reports to the Agency.

4. Classification of Industrial Units: On the basis of the pollution level of an industrial unit, the Director-General shall classify the unit into category “A”, “B” or “C” for liquid effluents, and category “A” or “B” for gaseous emissions:

Provided that till such times as the pollution level of an industrial unit is determined, it shall be classified according to the type of industry to which it belongs, as shown in Schedule I for liquid effluents and in Schedule II for gaseous emissions.

5. Category “A” Industrial Units: (1) An industrial unit in category “A” shall submit Environmental Monitoring Reports on monthly basis;

- (a) in respect of liquid effluents, for priority parameters listed in column 3 of Table A of Schedule III:

Provided that during start-up or upset conditions, priority parameters mentioned in column 4 of Table A of Schedule III shall be recorded on hourly basis;

- (b) in respect of gaseous emissions, for priority parameters listed in Table B of Schedule III.

(2) An industrial unit in category “A” shall maintain a record of the times during which start-up and upset conditions occur, and shall mention the total time elapsed in such conditions in its monthly Environmental Monitoring Report.

6. Category “B” Industrial Units: An industrial unit in category “B” shall submit Environmental Monitoring Reports on quarterly basis;

- (a) in respect of liquid effluents, for priority parameters listed in Table A of Schedule IV;

- (b) in respect of gaseous emissions, for priority parameters listed in Table B of Schedule IV.

7. **Category “C” Industrial Units:** An industrial unit in category “C” shall submit Environmental Monitoring Reports on biannual basis for priority parameters in respect of liquid effluents listed in Schedule V.

8. **Special Industries:** (1) Without prejudice to the provisions of rule 4, the Director-General may classify a large industrial unit with very high pollution levels as “Special Industry”.

(2) In addition to complying with the requirements of rule 5, a Special Industry shall submit Environmental Monitoring Reports for such parameters and at such frequency as the Director-General may require.

9. **Environmental Monitoring Report:** (1) An Environmental Monitoring Report shall comprise a Liquid Effluents Monitoring Report, a Gaseous Emissions Monitoring Report and a Cover Sheet which shall be in the form as set out in Forms A, B and C, respectfully, of Schedule VI.

(2) All measurements of priority parameters contained in the Environmental Monitoring Report submitted by an industrial unit shall be based on test reports of a certified environmental laboratory, and attested copies of such results shall be attached with the Environmental Monitoring Report:

Provided that such certified environmental laboratories shall not be part of, or an associated company or associated undertaking of, the said industrial unit.

(3) The Gaseous Emissions Report shall cover the priority parameters listed in Schedule VII, and shall include, every two years, metal analysis of all gaseous emissions from the industrial unit.

10. **Sampling, Testing and Analysis:** Sampling testing and analysis of effluents, gaseous emissions and waste shall be carried out in accordance with the Environmental Samples Rules, 2009.

11. **Monitoring Conditions of EIA Approval:** The provisions of these rules shall be in addition to, and not in derogation of, the monitoring conditions laid down in an EIA approval.

12. **Compilation, Analysis and Management of Data:** The Agency shall compile, analyze and manage the data contained in the Environmental Monitoring Reports with the objective, *inter alia*, of enforcing the national Environmental Quality Standards and developing an environmental database.

Schedule I

(See rule 4)

Classification of Industrial Units for Liquid Effluents

1. Category "A"

- (1) Chlor-Alkali (Mercury Cell).
- (2) Chlor-Alkali (Diaphragm Cell).
- (3) Metal finishing and electroplating.
- (4) Nitrogenous fertilizer.
- (5) Phosphate fertilizer.
- (6) Pulp and paper.
- (7) Pesticides formulation.
- (8) Petroleum refining.
- (9) Steel industry.
- (10) Synthetic fiber.
- (11) Tanning and leather finishing.
- (12) Textile processing.
- (13) Pigments and dyes.
- (14) Thermal Power Plants (Oil Fired and Coal Fired).
- (15) Rubber products.
- (16) Paints, Varnishes and Lacquers.
- (17) Pesticides.
- (18) Printing.
- (19) Industrial chemicals.
- (20) Oil and Gas production.
- (21) Petrochemicals.
- (22) Combined effluent treatment.
- (23) Any other industry to be specified by Agency.

2. Category "B"

- (1) Dairy industry.
- (2) Fruit and vegetable processing.
- (3) Glass manufacturing.
- (4) Sugar.
- (5) Detergent.
- (6) Photographic.
- (7) Glue manufacture.
- (8) Oil and Gas exploration.
- (9) Thermal Power Plants (Gas Fired).
- (10) Vegetable oil and Ghee mills.
- (11) Woolen mills.
- (12) Plastic materials and products.
- (13) Wood and cork products.
- (14) Any other industry to be specified by Agency.

3. Category "C"

- (1) Pharmaceutical (Formulation) Industry.
- (2) Marble Crushing.
- (3) Cement.
- (4) Any other industry to be specified by Agency.

Schedule II

(See rule 4)

Classification of Industrial Units for Gaseous Emissions

1. Category "A"

- (1) Cement.
- (2) Glass manufacturing.
- (3) Iron and steel.
- (4) Nitrogenous fertilizer.
- (5) Phosphate fertilizer.
- (6) Oil and Gas production.
- (7) Petroleum refining.
- (8) Pulp and paper.
- (9) Thermal Power Plants (coal. and oil based).
- (10) Boilers, ovens, furnaces and kilns (coal and oil fired).
- (11) Brick-Kilns (fire-wood and bagasse based).
- (12) Any other industry to be specified by Agency.

2. Category "B"

- (1) Sugar.
- (2) Textile.
- (3) Chloralkali plants.
- (4) Dairy industry.
- (5) Fruits and vegetables.
- (6) Metal finishing and electroplating.
- (7) Boilers, ovens, furnaces and kilns (gas-fired).
- (8) Any other industry to be specified by Agency.

Schedule III

[(See rule 5(1) (a) and (b)]

Table A

Category "A"

Priority Parameters for Monitoring of Liquid Effluents

S.No.	Industry	Priority Parameters for Normal Plant Conditions to be Reported on a Monthly Basis	Priority Parameters for Start-up and Upset Conditions to be Recorded on an Hourly Basis
1.	Chlor-Alkali (Mercury Cell)	Effluent flow, Temperature, pH, TSS, Chlorine, Mercury, Chloride	Effluent Flow, Temperature, pH, TSS, Mercury, Chlorides
2.	Chlor-Alkali (Diaphragm Cell)	Effluent Flow, Temperature, pH, TSS, Chlorine, Chlorides	Effluent Flow, Temperature, pH, TSS, Chlorides
3.	Metal Finishing and Electroplating ¹	Effluent Flow, Temperature, pH, TSS, Oil and Grease, Arsenic, Cadmium, Chromium (trivalent), Chromium (hexavalent), Lead, Nickel, Mercury, Silver Zinc, Flourides, Cyanides	Effluent Flow, Temperature, pH, TSS,
4.	Nitrogenous Fertilizer	Effluent Flow, Temperature, pH, TSS, Ammonia, COD	Effluent Flow, Temperature. pH, TSS,
5.	Phosphate Fertilizer	Effluent Flow, Temperature, pH, TSS, Cadmium, Flourides, COD	Effluent Flow, Temperature, pH, TSS,
6.	Pulp and paper	Effluent Flow, Temperature, pH, COD, TSS, TDS Sulfides, BOD	Effluent Flow, Temperature. pH, TDS. TSS,
7.	Pesticides Formulation	Effluent Flow, Pesticides	Effluent Flow,
8.	Petroleum Refining	Effluent Flow, Temperature. pH, COD, TSS, BODS Oil and Grease, phenolic compounds	Effluent Flow, Temperature, pH, TSS,
9.	Steel Industry ²	Effluent Flow, Temperature, pH, COD, TSS, TDS, Chromium (trivalent), Iron, Oil and Grease, Cadmium Copper.	Effluent Flow, Temperature, pH, TSS,
10.	Synthetic Fiber	Effluent Flow, Temperature, pH, COD, TSS, BOD, Oil and Grease, Sulfides	Effluent Flow, Temperature. pH, TSS,
11.	Tanning and Leather Finishing	Effluent Flow, Temperature, pH, COD, TSS, BOD, Sulfide, Oil' and Grease, Chromium (trivalent), Chromium (hexavalent), TDS, phenolic compounds	Effluent Flow, Temperature. pH, TSS,
12.	Textile Processing	Effluent Flow, Temperature, pH, COD, TSS" TDS, BODS, Copper, Chromium	Effluent Flow, Temperature. pH, TSS,

S.No.	Industry	Priority Parameters for Normal Plant Conditions to be Reported on a Monthly Basis	Priority Parameters for Start-up and Upset Conditions to be Recorded on an Hourly Basis
13	Pigments and Dyes	Effluent Flow, pH, Temperature, COD, Lead, Copper, Zinc.	Effluent Flow, Temperature, pH
14.	Thermal Power Plants (Oil fired and coal fired)	Effluent Flow, Temperature, pH, TSS, Oil and Grease	Effluent Flow, Temperature, pH, TSS
15.	Rubber Products	COD, Cadmium TSS	TSS
16.	Paints, Varnishes & Lacquers	pH, TSS, COD, Lead, Chromium, Cadmium, Zinc, Barium.	pH, TSS
17.	Pesticides	COD, Mercury, Pesticides	COD
18.	Printing	COD, Lead	COD
19.	Industrial Chemicals	pH, CD, TDS, Phenolic Compounds, Cyanide, Ammonia, Cadmium*, Chromium*, Mercury*, Nickel*, Zinc*, Arsenic*	pH, COD, TDS
20.	Oil and Gas Production	Effluent Flow, Temperature, pH, COD, TSS, TDS, Oil and Grease, Chloride, BOD, Phenolic Compounds	Effluent Flow, Temperature, pH, TSS, TDS
21.	Petrochemicals	Effluent Flow, Temperature, pH, COD, TSS, TDS, Oil and Grease, BODS, Phenolic Compounds	Effluent Flow, Temperature, pH, TSS, TDS

1. Industry using chromium in its cooling water system will also report chromium (trivalent, hexavalent) in addition to the stipulated priority parameters for each sector.
 2. Steel Industry Includes steel-re-rolling mills, electric furnaces and foundries.
- * Priority parameters will be limited to those occurring in chemicals and raw-materials used.

Table B
Category "A"
Priority Parameters for Monitoring of Gaseous Emissions

S. No. Industry	Priority Parameters for Normal Plant Conditions to be reported on a Monthly basis	
	Process Emission	Emission from fired Equipment
1. Cement	Particulates.	CO, *SO _x , NO _x , Particulates
2. Glass Manufacturing	Particulates	CO, *SO _x , NO _x , Particulates
3. Iron and Steel	Particulates, Fluorides CO, NO _x , SO _x	
4. Nitrogenous Fertilizers	Ammonia, Particulates	CO, *SO _x , NO _x , Particulates
5. Phosphate Fertilizers	Ammonia, Fluoride, Particulate	
6. Oil and Gas Production	CO, *SO _x ; NO _x , H ₂ S and Particulates.	
7. Petroleum Refining	H ₂ S, NO _x , SO _x , Particulates	CO, *SO _x , NO _x , Particulates
8. Pulp and Paper	Chlorine, SO _x	CO, *SO _x , NO _x , Particulates
9. Thermal Power Plants(Coal and Oil based)		*SO _x , NO _x , CO, Heavy Metals and Particulates
10. Boilers, Ovens, Furnaces and Kilns (Coal and Oil fired)		CO, NO _x , *SO _x , Particulates
11. Brick Kilns (Firewood and Bagasse)		CO, Particulates

1. Only where fuel contains hydrogen sulphide (H₂S) more than 20ppm

* Metal analyses of all gaseous emission would be carried out once in two years.

Schedule IV
[See rule 6(a) and (b)]

Table A
Category "B"

Priority Parameters for Monitoring of Liquid Effluents

S. No.	Industry	Priority Parameters for Normal Plant Conditions to be Reported on a Quarterly Basis ¹
1.	Dairy Industry	Effluent Flow, Temperature, pH, BOD, TSS, TDS, Oil and Grease
2.	Fruit and Vegetable Processing	Effluent Flow, Temperature, pH, BOD, TSS, COD
3.	Glass Manufacturing	Effluent Flow, Temperature, pH, TSS, COD, Oil and Grease
4.	Sugar	Effluent Flow, Temperature, pH, BOD, TSS, COD, Oil and Grease
5.	Detergent	pH, COD, Oil and Grease, An-ionic Detergent
6.	Photographic	pH, COD, Silver, Cyanide, Fluoride
7.	Glue Manufacture	BOD, COD, pH.
8.	Oil and Gas Exploration	Effluent Flow, Temperature, pH, COD, TSS, TDS, Oil and Grease, Chloride, BOD, Phenolic compounds

1. Industry using chromium in its cooling water system will 'also report Chromium (trivalent, hexavalent) in addition to the stipulated priority parameters for each sector.

Table B
Category "B"
Priority Parameters for Monitoring of Gaseous Emission
Category "B"

S.No	Industry	Priority Parameters for Normal Plant Conditions to be reported on a Quarterly Basis ¹	
		Process Emission	Emission from fired Equipment
1.	Sugar	Particulates	CO, *SO _x , NO _x , Particulates
2.	Textile		CO, *SO _x , NO _x , Particulates
3.	Chloralkali Plants	Chlorine	
4.	Dairy Industry		CO, *NO _x , SO _x , Particulates
5.	Fruits and Vegetables		CO, *NO _x , SO _x , Particulates
6.	Metal Finishing and Electroplating	Particulates	
7.	Boilers, Ovens, furnaces and Kilns (Gas- fired)		CO, NO _x

1. Metal analyses of all gaseous emission would be carried out once in two years.

*Only where fuel contains hydrogen sulphide (H₂S) more than 20ppm

Schedule V
(See rule 7)
Category "C"

Priority Parameters for Monitoring of Liquid Effluents

S.No.	Industry	Priority Parameters for Normal Plant Conditions to be Reported on a quarterly Basis ¹
1.	Pharmaceutical formulation industry, marble crushing, Cement, and any other industry as notified by EPAs	Effluent Flow, Temperature, pH, COD, TSS, TDS,

¹. Industry using chromium in its cooling water system will also report chromium (trivalent, hexavalent) in addition to the stipulated priority parameters for each sector.

Schedule VI

FORM A

Liquid Effluents Monitoring Report

**SMART Plant Database
Monitored Effluents
SMART**

Normal Conditions

Sampling Information

Stream Sampling Date

Location Temp. (C) Flow (m3/ht)

Reported Data

Period

Reported Days Hrs Per Day

Laboratory

Name Address

**Sampling Information
Reported Data**

Sampling Analysis

Ammonia	<input type="checkbox"/>	Mg/ L	Chlorine	<input type="checkbox"/>	Mg/L	Lead	<input type="checkbox"/>	Mg/ L	Silver	<input type="checkbox"/>
Anionic Detergents	<input type="checkbox"/>	Mg/ L	Chromium (Hexavalent)	<input type="checkbox"/>	Mg/ L	Manganese	<input type="checkbox"/>	Mg/ L	Sulfides	<input type="checkbox"/>
Arsenic	<input type="checkbox"/>	Mg/ L	Chromium (Trivalent)	<input type="checkbox"/>	Mg/ L	Mercury	<input type="checkbox"/>	Mg/ L	TDS	<input type="checkbox"/>
Barium	<input type="checkbox"/>	Mg/ L	COD	<input type="checkbox"/>	Mg/ L	Nickel	<input type="checkbox"/>	Mg/ L	Total Chromium	<input type="checkbox"/>
BOD	<input type="checkbox"/>		Copper	<input type="checkbox"/>	Mg/ L	Oil and Grease	<input type="checkbox"/>	Mg/ L	TSS	<input type="checkbox"/>
Boron	<input type="checkbox"/>	Mg/ L	Cyanides	<input type="checkbox"/>	Mg/ L	Pesticides	<input type="checkbox"/>	Mg/ L	Zinc	<input type="checkbox"/>
Cadmium	<input type="checkbox"/>	Mg/ L	Fluorides	<input type="checkbox"/>	Mg/ L	pH	<input type="checkbox"/>	Mg/ L		
Chlorides	<input type="checkbox"/>	Mg/ L	Iron	<input type="checkbox"/>	Mg/ L	Phenolic Compounds	<input type="checkbox"/>	Mg/ L		

Province/Plant ID

Schedule VI

FORM B

Gaseous Effluents Monitoring Report

**SMART Plant Database
Monitored Effluents
SMART**

Normal Conditions

Sampling Information	
Process Emission Stack <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Sampling Data <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Time <input type="checkbox"/>
Location <input type="text"/>	Flow (m3/hr) <input type="text"/>

Reported Data	
Period <input type="text"/>	
Reported Days <input type="checkbox"/>	Hrs Per Day <input type="checkbox"/>

Laboratory	
Name <input type="text"/>	Address <input type="text"/>

Sampling Analysis					
Ammonia <input type="checkbox"/>	mg/nm ³	Copper <input type="checkbox"/>	Mg/ L	NOx <input type="checkbox"/>	mg/nm ³
Antimony <input type="checkbox"/>	mg/nm ³	Hydrogen Fluoride <input type="checkbox"/>	Mg/ L	Particulates <input type="checkbox"/>	mg/nm ³
Arsenic <input type="checkbox"/>	mg/nm ³	Hydrogen Sulphide <input type="checkbox"/>	Mg/ L	Smoke <input type="checkbox"/>	Ringleman Scale
Cadmium <input type="checkbox"/>	mg/nm ³	Hydrogen Chloride <input type="checkbox"/>	Mg/ L	SOx <input type="checkbox"/>	mg/nm ³
Chlorides <input type="checkbox"/>	mg/nm ³	Lead <input type="checkbox"/>	Mg/ L	Zinc <input type="checkbox"/>	mg/nm ³
CO <input type="checkbox"/>	mg/nm ³	Mercury <input type="checkbox"/>	Mg/ L		

Province/Plant ID <input type="text"/>

<input type="button" value="Edit"/>	<input type="button" value="Save"/>	<input type="button" value="Cancel"/>	<input type="button" value="Main"/>
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Schedule VII
[See rule 9(3)]
Priority Parameters for Monitoring of Gaseous Emissions

S. No.	Emission source	Priority parameters ¹ for Reporting
1.	Boiler, Ovens Furnaces and Kilns	CO, NO _x
	Gas Fired	CO, NO _x , SO _x , Particulates
	Oil Fired	CO, Particulates
	Coal	CO, NO _x , SO _x , Particulates
	Bagasse and Fire	SO _x , NO _x , Particulates
2.	Brick Kilns	Particulates Ammonia, Chlorine, H ₂ S,
3.	Thermal Power Plants	Fluoride, SO _x , NO _x , Co, Mercury*.
4.	Process Emission ²	Lead*, Zinc*, Cadmium*, Arsenic*, Antimony*

1. Priority parameters will be limited to those occurring in chemicals and raw-materials used.

2. Process emissions involving fuel combustion will also include parameters as for Boilers, Ovens, furnaces and Kilns.

* Metal analyses of all gaseous emissions would be carried out once in two years.

Section Officer
Planning & Development Department

Copy to:

1. Secretary to the President, GoAJK.
2. Secretary to the Prime Minister, GoAJK.
3. PS to Minister Environment., GoAJK.
4. PS to the Chief Secretary, GoAJK.
5. PS to the Additional Chief Secretary (Gen.), GoAJK.
6. PS to the Senior Member Board of Revenue, GoAJK.
7. PS to the Additional Chief Secretary (Dev.), GoAJK.
8. PS to the Director General Environment, GoAJK.
9. The Accountant General, Azad Kashmir.
10. The Controller, Govt. Printing Press, Muzaffarabad.
11. Master File.

Section Officer

Azad Government of the State of Jammu & Kashmir
Planning and Development Department
Environmental Protection Secretariat

‘Muzaffarabad’
Dated: April 11, 2009

NOTIFICATION

No. 1168-78/P&DD/Gen/2009. In exercise of the powers conferred by section 30 of the Azad Jammu & Kashmir Environmental Protection Act, 2000 (IV of 2000), the Government is pleased to make the following rules, namely:

1. Short Title and Commencement: (1) These rules may be called the *Pollution Charge for Industry (Calculation and Collection) Rules, 2009.*

(2) They shall come into force at once.

2. Definitions: (1) In these rules, unless there is anything repugnant in the subject or context;

- (a) “**Act**” means the Azad Jammu & Kashmir Environmental Protection Act, 2000 (IV of 2000).
- (b) “**Agency**” means Azad Jammu & Kashmir Environmental Protection Agency (AJK-EPA) established under Section 5 of the Act;
- (c) “**Board**” means the State Sustainable Development Fund Board constituted under section 9 of the Act;
- (d) “**Director General**” means the Director General of the AJK-EPA Agency;
- (e) “**Government**” means the Azad Government of the State of Jammu and Kashmir;
- (f) “**Guidelines**” means the "Guidelines for determination of a Pollution Charge for Industry" as contained in Schedule I;
- (g) “**Industrial Unit**” means any legal entity carrying on industrial activity;
- (h) “**Inspection Team**” means the Inspection Team constituted under rule 5;
- (i) “**Pollution Charge**” means the pollution charge payable under sub-section (2) of section 10 of the Act;

- (j) **"Pollution Level"** means the number of pollution units per unit of production, calculated in accordance with the procedure contained in Guidelines and Schedule IV;
 - (k) **"Pollution Unit"** means the quantity of pollutant which reflects its relative toxicity vis-a-vis other parameters, as specified in the Guidelines and Schedule IV ; and
 - (l) **"Schedule"** means the Schedule to these rules;
- (2) All other words and expressions used but not defined shall have the same meanings as are assigned to them in the Act.
3. **Determination of Pollution Charge:** The pollution charge payable by an industrial unit shall be determined in accordance with the Guidelines.
4. **Responsibility for Calculation, Reporting and Payment:** An industrial unit liable to pay the pollution charges shall itself be responsible for ensuring the correct calculation, reporting and payment of the pollution charge.
5. **Determination of Pollution Level:** (1) For the purposes of determining the pollution level of an industrial unit, the Director General shall constitute an Inspection Team comprising of;
- (a) a representative of the Agency;
 - (b) a representative of the industrial unit;
 - (c) not more than two representatives each drawn from the list of any two authorized NGOs specified in Schedule II; and
 - (d) a representative of a certified environmental laboratory or any other Agency, approved and designated by the Agency for the purposes of determination of the pollution level.
- (2) The Inspection Team shall determine the pollution level of an industrial unit at least once a year in respect of discharges of effluents and waste, and emissions of air pollutants.
- (3) The Inspection Team shall also determine the exemption allowed to an industrial unit as required under Schedule IV.
- (4) All samples obtained by the Inspection Team shall be tested and analyzed by a certified environmental laboratory.
- (5) The pollution units per unit of production determined by the Inspection Team shall form the basis for calculation of the pollution charge of an industrial unit under rule 6.
6. **Calculation and Payment:** (1) The pollution charge shall be calculated by multiplying the pollution level with the actual production during

the period for which the charge is to be paid, and with the applicable rate per pollution unit for the year in accordance with the rates and escalation table shown in Schedule III.

- (2) The pollution charge shall be payable biannually, based on the actual production in the preceding six months.
- (3) The payment of the pollution charge shall be made by deposit, against proper receipt in the Government Treasury or any branch of the National Bank of Pakistan.
- (4) The industrial unit shall submit a copy of the receipt, along with details of calculation of the pollution charge in the form as set out in Schedule IV, to the Agency.

7. **Re-Determination of Pollution Level:** (1) If during the year an industrial unit reduces, for at least three consecutive months, the pollution units discharged by it to eighty per cent or less of the level of at least one parameter, it shall have the right to apply to the Agency for re-determination of its pollution level.

- (2) The Director-General may at any time, on application from any person or *Suo Motu* and after giving an industrial unit an opportunity of being heard, have the pollution level of the industrial unit re-determined by the Inspection Team if he has reason to believe that the actual pollution units being discharged by such industrial unit in respect of any pollution parameter are twenty per cent or more than the level determined by the Inspection Team at the time of last measurement.
- (3) Re-determination of the pollution charge under sub-rules (1) and (2) shall be allowed by the Agency subject to payment of the prescribed fees by the applicant specified in Schedule V.

8. **Costs of Determination of Pollution Level:** The industrial unit shall provide all requisite assistance at the site for the visit of the Inspection Team and shall bear all costs relating to determination of the pollution level, including the prescribed fees specified in Schedule V, and costs of sampling, testing and reporting of results:

Provided that the costs of re-determination of the pollution level on an application of any person under sub-rule (2) of rule 7 shall be deposited with the Agency when such re-determination is allowed, and shall be refunded to the applicant and charged from the industrial unit, only if the actual pollution units being discharged by such unit in respect of any parameter are determined by the Inspection Team to be twenty per cent or more than the level determined at the time of last measurement.

9. Collection through Industrial Associations and Chambers of Commerce and Industry: (1) Subject to rule 4, where industrial units have formed an association to look after their collective interests, such association may collect the pollution charge from its member industrial units and deposit the same against proper receipt in the Government Treasury or any branch of the National Bank of Pakistan.

- (2) The Chambers of Commerce and Industry shall use their good offices to ensure that all industrial units in their respective jurisdictions pay the pollution charge in accordance with these rules.
- (3) All industrial associations and Chambers of Commerce and Industry shall submit a monthly report to the Board indicating the total amount of pollution charge collected by them during the previous month along with copies of the receipts of payment.

SCHEDULE I

[See rule 2(1)(f)]

Guidelines for Determination of Pollution Charge for Industry

Legal Basis:

Section 10 of the Environmental Protection Act, 2000, contains the following sub-sections that provide a legal basis for application of pollution charge, namely;

- (2) The Government shall levy a pollution charge on any person who contravenes or fails to comply with the provisions of sub-section (1), to be calculated at such rate, and collected in accordance with such procedures as may be prescribed.
- (3) Any person who pays the pollution charge levied under sub-section (2) shall not be charged with an offence with respect to that contravention or failure.
- (4) The provisions of sub-section (3) shall not apply to projects, which commenced industrial activity on or after the 30th June 1996.

Primary Considerations:

The proposed system of pollution charge has been developed to achieve a balance among the following, namely;

- (1) The need for an equitable, simple and workable approach towards establishment of pollution charge.
- (2) The need for real progress towards making the industry environmentally friendly without jeopardizing the economic growth in the country.

- (3) The need of the industry to be allowed a period in which it can prepare for compliance with the National Environmental Quality Standards (NEQSS).

Guideline:

Basic principles discussed and agreed upon in different meetings of the Federal Environment Standards Committee (ESC) comprising representatives of FPCCI, NGOs and the Government are summarized below:

- (1) The level of pollution charge shall be established through a process of negotiations.
- (2) The level of pollution charge should initially be such that the industry should feel the impact, but should not be excessive such that the financial health of the concern is jeopardized.
- (3) The system should be applied uniformly across all the industrial sectors.

SCHEDULE II

[See rule 5(1)(c)]

List of authorized INGOs/NGOs

1. International Union for Conservation of Nature and Natural Resources (IUCN)
House No. Muzaffarabad.
Phone No.
Fax No.

2. World Wide Fund (WWF) PAKISTAN
Address: Muzaffarabad.
Phone No.
Fax No.

3. SUNGI
Address: Muzaffarabad.
Phone No.
Fax No.

4. PAIDAR
Address: Muzaffarabad.
Phone:
Fax:

5. AJKRSP
Opp. Chief Secretary Office
New Civil Secretariat, Muzaffarabad.
Phone:
Fax:
6. NRSP
Muzaffarabad.
Phone:
Fax:
7. WWoP
Phone:
Fax:
8. Green & Green
Mirpur
Phone:
Fax:

SCHEDULE III

[See rule 6(1)]

Pollution Charge rates and escalation table

Schedule for payment of pollution charge:

Pollution charge shall be payable on a biannual basis, calculated according to the established discharge rate per unit of production, and the actual production of the unit in the preceding six months.

Pollution Charge Escalation:

The following table indicates time breakup for a period of three years beginning from the 1st January, 2009:

POLLUTION CHARGE SCHEDULE

Period.	Annual Escalation.
(1)	(2)
1 st January, 2009 to 30th June, 2010.	20% of base rate.
1 st January, 2010 to 30th June, 2011.	40% of base rate.
1 st January, 2011 to 30th June, 2012.	60% of base rat

SCHEDULE IV

[See rule 6(4)]

Details of calculation of Pollution Charge PART I

1. POLLUTION CHARGE FOR LIQUID EFFLUENTS

Parameters Applicable for Pollution Charge and Definition of Pollution Unit:

Parameters on which pollution charges are to be applied and the definitions of the pollution units for each parameter are shown in the table below:

TABLE
List of Selected NEQs Parameters for Pollution Units Calculation

S. No.	Parameters.	1 Pollution Unit.
(1)	(2)	(3)
1-	COD.	50kg
2-	TSS.	50kg
3-	Oil and grease.	03kg
4-	Mercury.	20g
5-	Chromium.	500g
6-	Nickel.	500g
7-	Lead.	500g
8-	Copper.	1000g
9-	Cadmium.	100g
10-	Pesticides and herbicides	100g.

The parameters for pollution units given above were arrived at in view of the following considerations, namely;

1. To keep the system simple and cost effective, the number of parameters should be kept at a minimum.
2. The quantity of pollutant defined as one pollution unit reflects the relative toxicity of the pollutant, and consequently the extent of damage to the environment.
3. The Agency may expand the above list if deemed necessary.

Exemption in Pollution Units:

Each industrial unit shall be allowed an exemption equivalent to NEQs for each parameter on which the pollution charge is applicable. The exemption is proposed in line with the spirit to the National Environmental Quality Standards.

METHOD OF DETERMINATION OF POLLUTION CHARGE

Determination of Pollution Level:

The pollution level in a unit or a production unit if so desired, shall be measured once a year. The measurement shall be carried out jointly in the presence of at least one representative each from the unit and the EPA or agency approved by EPA. Interested NGOs shall be allowed to accompany EPAs on such visits to ensure transparency and neutrality in the process. The production of the unit during the determination period shall also be recorded to ensure that normal operational conditions of the unit prevail. Alternatively, pollution charge may also be figured out on the basis of self-monitoring reports submitted under NEQS (Self-Monitoring and Reporting by Industry) Rules, 2009, in mutual agreement with the concerned EPA.

Calculation Procedure:

1. The effluent flow of a unit shall be measured for a limited period, ranging from a minimum of a day to about a week, under normal operating conditions.
2. During this period, effluent samples shall be taken at regular intervals, ranging from once an hour to once in eight hours and the concentration of pollutant parameters of concern shall be established through laboratory analysis.
3. Net quantity of pollutant being discharged (in kg) shall be calculated by dividing the net quantity of pollutant being discharged by the amount defined as one pollution unit for the parameter under consideration.
4. Number of pollution units for each parameter shall be calculated by dividing the net quantity of pollutant being discharged by the amount defined as one pollution unit for the parameter under consideration.
5. The number of pollution units per unit of production shall be calculated by dividing the number of pollution units with production in the period during which tests were carried out.
6. Number of pollution units shall be calculated on the basis of production in the period for which pollution charges are to be paid.
7. The amount to be paid as pollution charge shall be calculated by multiplying the chargeable pollution units with the applicable rate for a pollution unit for the year. Sample calculation of pollution charge are given below:

NEQS Parameters.		Recorded.	Effluent levels.
(1)		(2)	(3)
COD.	150mg/L	5200	Mg/L
TSS.	150mg/L	500	Mg/L

Calculation of Pollution Charge

Annual Operating Day		Annual Pollution Load*	Net Chargeable
	(1)	(2)	(3)
COD.	5,200mg/L	4,282,400kg	85,648
TSS.	500mg/L	296,800kg	5,936
		Total	91,584

Total Units Chargeable	91,584 Units		
Base Rate per Unit	100 Rs./Unit (For example)		
Total Pollution Charge **	Year 1	Year 2	Year 3
Rs./Year	1,831,680	3,663,360	5,495,040

* Refer to Part I.

** Refer to Schedule III.

PART II

2. POLLUTION CHARGE FOR GASEOUS EMISSIONS

Parameters to be charged and Definition of Pollution Unit:

Parameters on which pollution charge is to be applied and the definitions of the pollution units for each parameter are given in the table below:

TABLE

Selected parameters for pollution units calculation

Parameter	Quantity of one pollution unit
(1)	(2)
Carbon Monoxide (CO).	400kg
Oxides of Nitrogen (NO _x).	200kg
Oxides of Sulfur (SO _x).	200kg
Particulate Matter (Coal).	250kg
Particulate Matter (Oil).	150kg
Particulate Matter (Cement).	100kg
Particulate Matter (Other Sources).	250kg

The definitions of pollution units given above were arrived at in view of the following;

1. The system should be simple and cost effective, and the numbers of parameters on which pollution charges are to be applied should be kept at a minimum.
2. The quantity defined as one pollution unit reflects the relative environmental impact of a specific parameter on the assimilative capacity of the surrounding air and impact on human health.

Exemption in Pollution Units:

Each industrial unit shall be allowed an exemption corresponding to NEQs for each parameter on which the pollution charge is applicable. The exemption proposed is in line with the exemption proposed for liquid effluents.

APPROACH AND METHOD FOR THE DETERMINATION OF AIR POLLUTION CHARGE

Determination of Pollution level:

The pollution level in a unit or a production unit if so desired shall be measured once a year. The measurement shall be carried out jointly in the presence of at least one representative each from the unit and the EPA, or an agency approved by EPA for this purpose. Interested NGOs shall be allowed to accompany EPAs on such visits to ensure transparency and neutrality in the process. All air emission measurements shall be taken under normal plant

operating conditions. The industrial unit shall arrange for air emission measurement and shall bear the cost of air emission measurement. The production of the industrial unit during the determination period shall also be recorded to ensure that normal operating conditions of the unit prevail at the time of testing. The pollution charge could also be figured out on the basis of self-monitoring reports with mutual agreement of EPA.

Calculation Procedure:

The following measurements are needed to calculate the quantity in kg of each pollutant being emitted;

1. Flow rate of the gas in the stack or chimney in kg/hr or cubic meter/hour.
2. Concentration of pollutant in the gas stream in ppm.

Calculation of gas flow rates requires extensive instrumentation, is time consuming and expensive. To address this issue, a simplified fuel based approach is proposed for the quantification of pollutant loads in gases discharged from fuel fired equipment such as boilers, kilns, furnaces and dryers. This approach allows direct quantification of gas flow rate using the amount of fuel consumed and excess air used per unit of fuel. Excess air is the amount of air used over and above the theoretical amount needed for complete burning of the fuel, and can be calculated on the basis of oxygen in the gaseous emissions. In exceptional cases, industrial units that have arrangements for continuous or online flow measurements of gas emitted may use actual flow measurements for the quantification of air emissions.

A stepwise procedure for the calculation of air pollution units from an industrial unit is given as under:

1. The concentration of pollutant parameters of concern and oxygen in the stack gas shall be measured for a limited period, ranging from a minimum of a day to about a week, under normal operating conditions. The temperature of stack gases shall also be measured.
2. The quantity of fuel consumed and production shall be monitored during the same period.
3. The flow rate of gases shall be calculated using standard formulas, with quantity of fuel used concentration of oxygen and temperature as inputs.
4. Net quantity of air pollutant being discharged (in kg) shall be calculated by subtracting the NEQSS concentration from the measured concentration, and multiplying the net concentration in excess of NEQSS with the calculated flue gas flow.
5. Number of pollution units for each parameter shall be calculated by

dividing the net quantity of pollutant being discharged by the amount defined as one pollution unit for the parameter under consideration.

6. Number of pollution units per unit of production shall be calculated by dividing the number of pollution units with production in the period during which the tests were carried out.
7. Number of pollution units shall be calculated on the basis of production in the period for which pollution charges are to be paid.
8. The amount to be paid, as pollution charge shall be calculated by multiplying the chargeable pollution units with the applicable rate for a pollution unit for the year.

Pollution Charges for Non-Fuel Cases and Other Exceptions:

For processes where fuel is not used or where it is not possible to calculate gas flow rates on the basis of fuels used, direct measurement of gas flow rates shall be required. Standard guidelines and procedures for measurement of gas flow rates shall be prescribed. The remaining calculation procedures for the number of pollution units and amount to be paid shall be the same as those for fuel related emissions.

Separate calculation procedures shall be developed for the cement industry to account for volume corrections associated with carbon dioxide produced from the calcining process.

The system of pollution charges proposed in this document shall not apply to the power industry. Standards and procedures for the power industry shall be issued separately.

Sample Calculation of Pollution for Charge Gaseous Emission

NEQS parameters	Recorded	Emission level
(1)	(2)	(3)
Carbon Monoxide (CO)	800	mg/nm ³
Oxides of Nitrogen (NO _x)	400	mg/nm ³
Oxides of Sulfur (SO _x)	400	mg/nm ³
Particulate Matter (Coal)	500	mg/nm ³
Particulate Matter (Oil)	300	mg/nm ³

Particulate Matter (Cement)	200	mg/nm ³
Particulate Matter (Other)	500	mg/nm ³
Fuel Consumed Kg/Year	Excess Air %	Fuel Gas Discharged M ³ /Year
Bagasse	495,000,000	30
		1,854,646,438

Pollutant	Total air Emissions (mg/Nm ³)	Exemption (mgNm ³)	Net Chargeable Emission (mgNm ³)	Annual** Chargeable Pollution Load (kg)	Chargeable Pollution Units
CO	1,600	800	800	1,483,717	3,709
NO _x	160	400	----	----	----
SO _x	----	400	----	----	----
PM	6,744	500	6,244	11,580,412	46,322

Total Chargeable Pollution Units* 50,031
 @Base Rate / P.U (Rs. 100/P U)

Total Pollution Charge	Year 1	Year 2	Year 3
Rs./Year	1,000,619	2,001,238	3,001,857

Re-Determination of Pollution Charges:

If, during a running year, the unit attains a status (for a period of at least three consecutive months) which corresponds to eighty per cent or less of the value of at least one parameter, the unit or the production unit is entitled to apply for a fresh assessment of pollution charge. The EPA may impose a fee for such re-assessment.

SCHEDULE V
[See rule 7(3) and rule 8]
Fee for determination of pollution level

Processing fees:	Rs.5,000/-
Sample analysis fees:	Rates of certified labs under Notification <u>No. S.R.O. 258 (1)/ 2000.</u> Dated: 10th February, 2000 issued by Ministry of Environment GoP shall be applicable.

Section Officer
Planning & Development Department

Copy to:

1. Secretary to the President, GoAJK.
2. Secretary to the Prime Minister, GoAJK.
3. PS to Minister Environment., GoAJK.
4. PS to the Chief Secretary, GoAJK.
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11. Master File.

Section Officer

Azad Government of the State of Jammu & Kashmir
Planning and Development Department
Environmental Protection Secretariat

‘Muzaffarabad’
Dated: April 11, 2009

NOTIFICATION

No. 1179-89/P&DD/Gen/2009. In exercise of the powers conferred by section 30 of the Azad Jammu & Kashmir Environmental Protection Act, 2000 (IV of 2000), the Government is pleased to make the following rules, namely:

1. Short title and commencement: (1) These rules may be called the *Azad Jammu & Kashmir Biosafety Rules, 2009*.

(2) They shall come into force at once.

2. Application: These rules shall be applicable to ;

- (a) manufacture, import and storage of micro-organisms and gene technological products for research, whether conducted in laboratories of teaching and research, research and development institutes or private companies involved in the uses and applications of genetically modified organisms and products thereof;
- (b) all work involved in the field trial of genetically manipulated plants, animals (including poultry and aquatic life), micro-organisms and cells; and
- (c) import, export, sale and purchase of living modified organisms, substances or cells and products thereof for commercial purposes.

3. Definitions: (1) In these rules, unless there is anything repugnant in the subject or context,

- (a) “**Act**” means the AJ&K Environmental Protection Act, 2000 (IV of 2000);
- (b) “**Agency**” means Azad Jammu & Kashmir Environmental Protection Agency established under Section 5 of the Act;
- (c) “**Applicant**” means any person including an artificial judicial person, seeking license for activities related with application of these rules;

- (d) **"Biosafety"** means the mechanism developed through policy and procedures to ensure the environmentally safe application of biotechnology;
- (e) **"Biosafety Guidelines"** means the Pakistan Biosafety Guidelines notified by the Government;
- (f) **"Commercial Release"** means any intentional introduction of living modified organisms into the environment through sale or purchase;
- (g) **"Contained Use"** means any operation or activity, undertaken within a facility, installation or other physical structure, which involves living modified organisms, substances or cells and products thereof and controlled in a manner that limits their contact with, and their impact on, the external environment and the general population;
- (h) **"Deliberate Release"** means any intentional transfer of living modified organisms to the environment or nature, irrespective of the way in which it is done;
- (i) **"Experimental Release"** means any intentional introduction into the environment of living modified organisms, with containment measures and which is not used for commercialization;
- (j) **"Export"** means the intentional trans boundary movement from Pakistan to another country;
- (k) **"Government"** means the Azad Government of the State of Jammu and Kashmir;
- (l) **"Import"** means the international trans boundary movement into Pakistan from another country;
- (m) **"Institutional Biosafety Committee"** means the committee constituted under rule 8;
- (n) **"Intentional Introduction into the Environment"** means any deliberate release of living modified organisms subject to these rules that is not "contained use", including release for experimental purposes but does not include living modified organisms imported for direct use for food or feed or for processing;
- (o) **"License"** means the license granted by the Agency under section 13 of the Act;
- (p) **"Living Modified Organisms or Genetically Modified Organisms"** means living cells or organisms, substances, cells

and products thereof whose genetic material has been altered or modified by any variety of techniques of modern biotechnology to make them capable of producing new substances or perform new functions;

- (q) **"Living Organism"** means any biological entity capable of transferring or replicating genetic material, including sterile organisms, viruses and viroid's;
- (r) **"Modern Biotechnology"** means the application of;
 - (i) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles; or
 - (ii) fusion of cells beyond the taxonomic family, to overcome natural physiological reproductive or recombination barriers and that are not techniques used in traditional breeding and selection;
- (s) **"State Biosafety Committee"** means the committee constituted under rule 4; and **"Technical Advisory Committee"** means the committee constituted under rule 6.

4. Establishment of State Bio-safety Committee: (1)The Government shall, by notification in the official Gazette, establish State Biosafety Committee consisting of the following members, namely;

- | | | |
|-----|---|--------------------------|
| (a) | Secretary Environment | Chairperson |
| (b) | Secretary Food & Agriculture Department | Member |
| (c) | Secretary Health Department | Member |
| (d) | Secretary Education Department
(Schools /Colleges) | Members |
| (e) | Chairman, PARC | Member |
| (f) | Member/Rep (Biosciences),
Pakistan Atomic Energy Commission | Member |
| (g) | Chairpersons Department of
Biosciences University of AJ&JK | Members |
| (h) | Representative of Pak-EPA | Member |
| (i) | Director General NWFP-EPA | Member |
| (j) | Director General Northern Areas-EPA | Member |
| (k) | Director-General, AJK-EPA | Secretary/ Member |
| (2) | The Director-General, AJK-EPA, shall act as Secretary of the National Bio-safety Committee. | |

- (3) The Committee may co-operate any other member as deems necessary for its functioning.
- (4) The members of the Committee, other than ex-officio members, shall hold office for a term of three years extendable to another term of three years with the approval of the Chairperson.
- (5) The Committee shall frame its own rules and procedures.
- (6) The Committee shall hold meetings as and when deemed necessary, provided that not less than four meetings shall be held in a year.

5. Functions of State Biosafety Committee: (1) The State Biosafety Committee shall perform the following functions; namely;

- (a) to establish standards and procedures for risk assessment and labeling of living modified organisms, substances or cells and products thereof.
- (b) to consider applications for import, export or commercial release of living modified organisms and on the recommendations of Technical Advisory Committee allow release or reject applications after reviewing the risk assessment carried out in accordance with the biosafety guidelines, the procedures established under clause (a) and any other reliable information.
- (c) to ban or restrict import, export, sale, purchase or trading of any living modified organism causing or likely to cause risk to public health, safety or environment.
- (d) to develop linkages with foreign biosafety committees and relevant agencies to ensure that genetic manipulation practices in Pakistan address international biosafety concerns and observe universal codes of conduct.
- (e) to cooperate with other relevant federal or provincial authorities overseeing the import and release of living organisms and formulate guidelines for the identification, inspection and regulation of transgenic species exotic organisms and others.
- (f) to restrain on the advice of Technical Advisory Committee any person, authority or institute involved with genetic manipulation experiments of potential hazards.
- (g) to facilitate exchange of technical expertise to various research institutions and regulatory agencies in setting up appropriate experimental conditions.
- (h) to facilitate all levels of supervision of genetic manipulation work by assisting other regulatory bodies including Institutional Biosafety Committees, in establishing pertinent codes disciplines

and guidelines for the appraisal of biohazards and the management of bio-safeguards.

- (i) to coordinate efforts of Institutional Biosafety Committees and inform and educate the public on biosafety issues and on proposed national policies.
- (j) to ensure that laboratory, field work and commercial release of genetically modified organisms and their products conforms to the national biosafety guidelines.
- (k) to prepare and provide to Institutional Biosafety Committees the various notifications and assessment forms, biosafety guidelines, related documents and assorted signs for facilities.
- (l) to inform the various institutions engaged in genetic manipulation about new developments in biosafety so as to avoid exposure of laboratory personnel, the community or the environment to undue risks.
- (m) to coordinate efforts between pertinent government agencies and private organizations to maintain safety levels in biotechnological work and to prepare them for biological emergencies.
- (n) to certify high-level laboratories, plant glass houses and animal houses intended for use in high-risk work. Upon request by the institution, and at the earliest convenience, the National Biosafety Committee may inspect a facility and either issue certification, or recommend additional precautions, if elements of the facility are determined to be inadequate to support the types of risk or hazard accompanying work requiring such physical containment.
- (o) to inspect high-level laboratories and containment facilities on a regular basis. The National Biosafety Committee may inspect laboratories and facilities of containment level C2. PH2. C2A, as specified in the biosafety guidelines, equivalent or higher at any time subsequent to certification without prior notice.
- (p) to inspect systems equipment and instruments governing ambient biosafety levels in genetic manipulation laboratories.
- (q) to keep information of commercial significance confidential from public domain if so requested in writing by applicant, person or institution or organization.
- (r) to monitor the safety related aspects of ongoing research projects and achievements involving genetically engineered organisms/hazardous substances or cells and products thereof.

6. Technical Advisory Committee: (1) The Government shall, by notification in the official Gazette, establish a Technical Advisory Committee consisting of the following members;

- (2) The Director, AJK Environmental Protection Agency shall act as Secretary of the Technical Advisory Committee.
- (3) The Committee may co-opt any technical representative from any province.

7. Functions of Technical Advisory Committee: The following shall be the functions of the Technical Advisory Committee;

- (a) to examine applications and recommend to State Biosafety Committee on permitting or otherwise laboratory work, field work or release of living modified organism, substances, cells and products thereof;
- (b) to review and control of safety measures adopted while handling large scale use of genetically engineered organisms/ classified organisms in research, developmental and industrial production activities;
- (c) to review research methodologies in genetic engineering and recombinant DNA work at the international level and assess the associated risks to guide relevant institutions;
- (d) to monitor release of engineered organisms or products into environment and to oversee field applications and experimental field trials;
- (e) to provide information or data inputs to State Biosafety Committee upon surveillance of approved projects under industrial production and in case of environmental releases with respect to safety risks and accidents; and
- (f) to supervise directly or through any person authorized in this behalf the implementation of the terms and conditions laid down in connection with the approvals accorded by the State Biosafety Committee.

8. Institutional Biosafety Committees: (1) The head of the institution related to biotechnology shall notify Institutional Biosafety Committee with the following minimum composition:

- | | | |
|-----|--|--------------------|
| (a) | Head of the institution | Chairperson |
| (b) | Subject Expert (s) | Members |
| (c) | Social Scientist/Economist (for social impact) | Members |
| (d) | Representative of civil society | Member |

9. Functions of Institutional Biosafety Committees: (1) The Committee shall perform the following functions;

- (a) to assist in the activities of State Biosafety Committee and Technical Advisory Committee;
- (b) to assist researchers in undertaking risk assessment, organizing training programmes and harmonizing experimental conditions with biosafety guidelines;
- (c) to determine additional safeguards and draft supplementary operating instructions for work at the institution, in line with and addressing the specific risks and concerns uncovered;
- (d) to evaluate the qualifications of researchers involved in biotechnological projects and assess whether each retains a thorough understanding of good microbiological practices necessary for the supervision of students, assistants and junior personnel;
- (e) to monitor all regulated work under progress within the institution and counsel the proponents on issues of biosafety and on compliance with biosafety guidelines on a regular basis, or as requested;
- (f) to serve, where appropriate, as a gateway for the flow of information, ideas and opinions between the State Biosafety Committee and the research teams;
- (g) to maintain and update a directory of all personnel engaged in activities at every biosafety level and to instruct new personnel on the correct laboratory or field practices, emergency procedures and equipment operation at the relevant level;
- (h) to ensure health of laboratory and field personnel as may deem necessary from medical records;
- (i) to liaise with State Biosafety Committee and Technical Advisory Committee on import, export, manufacture, process, use or sale of any genetically modified organisms/substances or cells and products thereof for the purpose of research;
- (j) to withhold funds and or use administrative authority to immediately refrain programmes if biosafety guidelines are violated;
- (k) to prepare and implement the institutional emergency and response plan according to the details provided in the manuals and guidelines prepared by State Biosafety Committee;

- (l) to assess all projects referred to it, and on the basis of the information provided and the risks forecast determine under which category of work the proposals fall and whether to endorse the work proposed;
- (m) to maintain records of approved project proposals for laboratory genetic manipulation work (including notification for project exemption) and the assessments;
- (n) to forward summaries of all project proposals submitted for IEC notification, and the assessments to the Technical Advisory Committee for records and information or for review and recommendation in the case of proposals for Risk Category 2 and 3 work;
- (o) to undertake risk assessment, in cooperation with the research teams as necessary, to determine the appropriate containment and biosafety conditions, operating procedures and emergency safeguards for Risk Category 2 and 3 genetic manipulation work, and for the housing, storage or movement of regulated material and also the waste;
- (p) to prepare, in conjunction with the research teams, specific contingency plans after undertaking risk assessments and reviewing project proposals;
- (q) to enforce, with particular emphasis on Risk Category J work, all recommendations, and ensure that the conditions of State Biosafety Committee have been acknowledged and promptly addressed;
- (r) to inspect and certify, before use in genetic manipulation work, CI level laboratories, conventional animal houses, PH I plant glass houses, and quarantine and medical facilities for infected animals; and
- (s) to monitor and assess the containment features of and the working conditions within all laboratories, plant glass houses and animal houses supporting the institution's work, to ensure that the various facilities are maintained at the standards and requirements delineated in Appendices 4 through 11 of biosafety guidelines.

10. The Bio-Safety Officer (BSO): (1) Institutions and organizations engaged in biotechnology or genetic manipulation work shall appoint or designate a Bio-Safety Officer well conversant with bio-safety issues and emergency countermeasures to perform the following functions;

- (a) to assist and liaise with Institutional Biosafety Committee;

- (b) to review in conjunction with the Institutional Biosafety Committee and on a regular basis operating procedures and biosafety records, and to assay the integrity of containment facilities and safety equipment or utilities; and
- (c) to advise on all matters pertaining to risk and biosafety, health of personnel, contingencies at work and infractions of biosafety guidelines.

11. Prohibition and License Requirements: (1) No person shall import, export, sell, purchase or trade living modified organisms, substances or cells and products thereof for any purposes, without the prior obtaining of license from the Agency.

- (2) Applicants seeking license for activities shall submit an application prepared in conformity with the requirements of the Biosafety Guidelines to the Agency accompanied with a prescribed fee.
- (3) Any person to whom a license has been granted shall notify the Agency and the State Biosafety Committee of any change in or addition to the information already submitted.

12. Confidential Information: Information designated as confidential by the applicant shall be protected from disclosure in conformity with Article 21 of the Cartagena Protocol as set forth in the biosafety guidelines.

13. Risk Assessments and Risk Management: (1) The State Biosafety Committee shall ensure that risk assessment is carried out in accordance with the biosafety guidelines for all activities that requires a license.

- (2) Risk assessment, including the auditing of risk assessments and evaluation of proposed risk management measures and field trials shall be carried out on a case to case basis in a scientifically sound manner, in accordance with Article 15 and Annex III of the Cartagena Protocol as set forth in the biosafety guidelines.

14. Decision Making and Communication of Decision: (1) A final decision shall be made and communicated to the applicant within;

- (a) sixty days for Risk Category 2 and 3 contained use activities (as specified in the biosafety guidelines);
 - (b) ninety days for experimental releases; and
 - (c) one hundred and twenty days for commercialization.
- (2) Decisions shall be based on information set forth in the application, scientific risk assessment and prior field experience with the living modified organisms in Pakistan/ AJ&K.

- (3) Final decision shall be recorded in a decision document as described in the biosafety guidelines. No person shall vary the purpose of the licensed activity as set forth in the decision document unless he obtains a license.
- (4) The license granted by the Agency under rule 11 shall not take effect until the applicant executes an undertaking in which the applicant assumes the legal duty to comply with applicable provisions of the biosafety guidelines in existence as of the date of the license.

15. Grant of License: (1) All grants of licenses under rule II shall be subjected to terms and conditions as to the labeling, control to be exercised by the applicant, supervision, and restriction on use, the layout of the enterprise and as to the submission of information or any other condition deemed appropriate by the Agency.

- (2) All approvals of the Agency shall be for a specified period not exceeding four years at the first instance renewable for two years at a time. The Agency shall have powers to revoke such approval in the following situations;
 - (a) if there is any new information as to the harmful effects of the genetically engineered organisms or cells;
 - (b) if the genetically engineered organisms or cells cause such damage to the environment, nature or health as could not be envisaged when the approval was given, or
 - (c) non-compliance of any condition stipulated by the Agency.

16. Application for Re-Examination: (1) Any applicant may file application with the State Biosafety Committee for re-examination after a minimum time of six months if the applicant considers that;

- (a) a change in circumstance has occurred that may have a material effect on the outcome of the risk assessment upon which the decision was based; or
- (b) additional scientific or technical information has become available that may have a material effect on the decision including any conditions, limitations or requirements imposed under an authorization.

17. Special Requirements for Import and Export of Living Modified Organisms: (1) Living modified organisms, substances or cells and products thereof imported for contained use, for intentional introduction into the environment, or for direct use as food or feed or for processing shall be identified in accordance with the requirements of Article 18 of the Cartagena Protocol as set forth in the biosafety guidelines and such import, where required, shall be in accordance with these rules and the National Plant Quarantine Regulations

aligned with International Plant Protection Convention. All such imports will also be governed by the provision of Import Trade and Procedures Order (IT&PO) and Export Policy and Procedures Order (EPPO).

- (2) Any person proposing to export living modified organisms, substances or cells and products thereof shall provide all information including risk assessment and field trials to the exporting country and such export, where required, shall be in accordance with these rules and the National Plant Quarantine Regulations aligned with International Plant Protection Convention. All such exports will also be governed by the provision of IT &PO and EPPO.

18. Transition and Reviews: Activities that were ongoing pursuant to the pre-existing regulatory system at the date of the entry into force of these rules shall be subject to the review procedure set forth in rule 11 but may continue until such time as a final decision is provided to the applicant. Any application pending at the date of the entry into force of these rules shall be subject to the provision of these rules.

19. Production: Production in which living modified engineered organisms, substances or cells or products thereof or micro-organisms are generated or used shall not be commenced except with the consent of State Biosafety Committee. This shall also apply to production taking place in connection with development, testing and experiments.

20. Deliberate or Unintentional Release: (1) Deliberate or unintentional release of living modified organisms or hazardous micro-organisms, substances or cells and products thereof including deliberate release for the purpose of experiment is not allowed.

- (2) State Biosafety Committee on the recommendations of the Technical Advisory Committee may in special cases give approval of deliberate release.

21. Permission and Approval for Certain Substances: Substances and products, which contain genetically engineered organisms or cells or micro organisms shall not be produced, sold, imported or used except with the approval of State Biosafety Committee and in accordance with sub-rule (2) of rule 20.

22. Permission and Approval for Food Stuffs: Foodstuffs, ingredients in foodstuffs and additives including processing aids containing or consisting of living modified organisms, substances or cells and products thereof shall not be produced, sold, imported or used except with the approval of the State Biosafety Committee and in accordance with sub-rule (2) of rule 20.

23. Responsibility to Notify Interruptions or Accidents: (1) Any person, institution or organization whether has obtained license under rule II or not shall immediately notify the Technical Advisory Committee of any interruption of operations or accidents that may lead to discharges of genetically engineered organisms or cells which may be harmful to the environment, nature or health or involve any danger thereto.

(2) Any notice given under sub-rule (1) above shall not lessen the duty of the person who is responsible to try effectively to minimize or prevent the effects of interruptions of operations of accidents.

24. Preparation of Off-Site Emergency Plan by the Technical Advisory Committee: (1) The Technical Advisory Committee may prepare an off-site emergency plan for emergencies relating to a possible major accident and prepare a plan of action in consultation with all concerned.

(2) For the purpose of enabling the Technical Advisory Committee to prepare the emergency plan required under sub-rule (1), the person, institute or organization shall provide the Technical Advisory Committee with such information relating to the handling of hazardous micro-organisms/genetically engineered organisms under his control as the Technical Advisory Committee may require including the nature, extent and likely off-site effects of a possible major accident and the Technical Advisory Committee shall provide the person, institute or organization with any information related to off-site emergency plan.

25. Information and Inspections: (1) Any person seeking license or who has obtained license under rule 11 shall at the direction of Technical Advisory Committee submit all such information deemed necessary for its functioning.

(2) The State Biosafety Committee or its authorized officer may at any reasonable time inspect or verify compliance of any condition laid down in the license issued under rule 11.

26. Fee: The Technical Advisory Committee may fix fee, with the approval of State Biosafety Committee, to cover, in whole or in part, the expenses incurred by the authorities in connection with approvals, examinations, supervision and control.

27. Powers to give Directions: The Government may give any written direction which shall be binding on the State Biosafety Committee or the Technical Advisory Committee or the Institutional Biosafety Committees to comply with.

Section Officer
Planning & Development Department

Copy to:

1. Secretary to the President, GoAJK.
2. Secretary to the Prime Minister, GoAJK.
3. PS to Minister Environment., GoAJK.
4. PS to the Chief Secretary, GoAJK.
5. PS to the Additional Chief Secretary (Gen.), GoAJK.
6. PS to the Senior Member Board of Revenue, GoAJK.
7. PS to the Additional Chief Secretary (Dev.), GoAJK.
8. PS to the Director General Environment, GoAJK.
9. The Accountant General, Azad Kashmir.
10. The Controller, Govt. Printing Press, Muzaffarabad.
11. Master File.

Section Officer

Azad Government of the State of Jammu & Kashmir
Planning and Development Department
 Environmental Protection Secretariat

‘Muzaffarabad’
 Dated: April 11, 2009

NOTIFICATION

No. 1190-1200/P&DD/Gen/2009. In exercise of the powers conferred under clause (c) of sub-section (1) of section 6 of the Azad Jammu & Kashmir Environmental Protection Act, 2000 (IV of 2000), the AJ&K Environmental Protection Agency, with the prior approval of the AJ&K Environmental Protection Council, is pleased to direct that the following further amendments shall be made in its Notification No. S. R. O. 742 (I)/93, dated the 24 August, 1993, namely:

In the aforesaid Notification, in paragraph 2.

1) for Annex I, the following shall be substituted, namely:

Annexure-I

**“NATIONAL ENVIRONMENTAL QUALITY STANDARDS FOR
 MUNICIPAL AND LIQUID INDUSTRIAL EFFLUENTS (mg/L,
 UNLESS OTHERWISE DEFINED)**

S. No.	Parameter	Existing Standards	Revised Standards		
			Into Inland Waters	Into Sewage Treatment (5)	Into Sea ()
1	2	3	4	5	6
1.	Temperature or Temperature Increase*	40°C	=<3° C	=<3° C	=<3° C
2.	pH value	6-10	6-9	6-9	6-9
3.	Biochemical Oxygen Demand (BOD) ₅ at 20° C ⁽¹⁾	80	80	80	80
4.	Chemical Oxygen Demand (COD) ⁽¹⁾	150	150	400	400
5.	Total Suspended Solids (TSS)	150	200	400	200
6.	Total Dissolved Solids (TDS)	3500	3500	3500	3500

7.	Grease and Oil	..	..	10	10	10	10
8.	Phenolic Compounds (as phenol)	..	..	0.1	0.1	0.3	0.3
9.	Chloride (as Cl ⁻)	1000	1000	1000	SC***
10.	Fluoride (as F ⁻)	20	10	10	10
11.	Cyanide (as CN ⁻) total	..	..	2	1.0	1.0	1.0
12.	An ionic detergents (as MB As) (°)	..	..	20	20	20	20
13.	Sulphate (SO ²⁻)	600	600	1000	SC***
14.	Sulphide (S ⁻)	1.0	1.0	1.0	1.0
15.	Ammonia (NH ₃)	..	..	40	40	40	40
16.	Pesticides (°)	..	..	0.15	0.15	0.15	0.15
17.	Cadmium (°)	..	..	0.1	0.1	0.1	0.1
18.	Chromium (trivalent and hexavalent) (°)	..	..	1.0	1.0	1.0	1.0
19.	Copper (°)	..	..	1.0	1.0	1.0	1.0
20.	Lead (°)	..	..	0.5	0.5	0.5	0.5
21.	Mercury (°)	..	..	0.01	0.01	0.01	0.01
22.	Selenium (°)	..	..	0.5	0.5	0.5	0.5
23.	Nickel (°)	..	..	1.0	1.0	1.0	1.0
24.	Silver (°)	..	..	1.0	1.0	1.0	1.0
25.	Total Toxic metals	..	..	2.0	2.0	2.0	2.0
26.	Zinc	..	..	5.0	5.0	5.0	5.0
27.	Arsenic (°)	..	..	1.0	1.0	1.0	1.0
28.	Barium (°)	..	..	1.5	1.5	1.5	1.5

29.	Iron	..	..	..	2.0	8.0	8.0	8.0
30.	Manganese	..	..	..	1.5	1.5	1.5	1.5
31.	Boron (4)	..	..	..	6.0	6.0	6.0	6.0
32.	Chlorine	..	..	..	1.0	1.0	1.0	1.0

Explanations:

1. Assuming minimum dilution 1:10 on discharge, lower ration would attract progressively stringent standards to be determined by the Environmental Protection Agency. By 1:10 dilution means, for example that for each one cubic meter of treated effluent, the recipient water body should have 10 cubic meter of water for dilution of this effluent.
2. Modified Benzene Alkyl Sulphate; assuming surfactant as biodegradable.
3. Pesticides include herbicides, fungicides, and insecticides.
4. Subject to total toxic metals discharge should not exceed level given at S. No. 25.
5. Applicable only when and where sewage treatment is operational and BOD=80 mg/L is achieved by the sewage treatment system.
6. Provided discharge is not at shore and not within 10 miles of mangrove or other important estuaries.

* The effluent should not result in temperature increase of more than 3°C at the edge of the zone where initial mixing and dilution take place in the receiving body. In case zone is not defined, use 100 meters from the point of discharge.

** The value for industry is 20 mg/L.

*** Discharge concentration at or below Sea Concentration (SC).

- Note:**
1. Dilution of liquid effluents to bring them to the NEQS limiting values, is not permissible through fresh water mixing with the effluent before discharging into the environment.
 2. The concentration of pollutants in water being used will be subtracted from the effluent for calculating the NEQSs limits"; and
- 2) for Annex II, the following shall be substituted, namely:

**“NATIONAL ENVIRONMENTAL QUALITY STANDARDS FOR
INDUSTRIAL GASEOUS EMISSION (mg/Nm³, UNLESS
OTHERWISE DEFINED).**

S. No	Parameter	Source of emission	Existing Standards	Revised Standards
1	2	3	4	5
1.	Smoke	Smoke capacity not to exceed	40% or 2 Ringlemann Scale	40% or 2 Ringlemann Scale or equivalent smoke number
2.	Particulate matter ⁽¹⁾	(a) Boilers and furnaces: (i) Oil fired (ii) Coal fired (iii) Cement Kilns (b) Grinding, crushing, clinker coolers and related processes, metallurgical processes, converters, blast furnaces and cupolas.	300 500 200 500	300 500 300 500
3.	Hydrogen Chloride	Any	400	400
4.	Chlorine	Any	150	150
5.	Hydrogen fluoride	Any	150	150
6.	Hydrogen sulphide	Any	10	10
7.	Sulphur Oxides ⁽²⁾⁽³⁾	Sulfuric acid/Sulphonic acid Plants Other Plants except power Plants operating on oil and coal	400	1700
8.	Carbon Monoxide	Any	800	800
9.	Lead	Any	50	50
10.	Mercury	Any	10	10
11.	Cadmium	Any	20	20

12.	Arsenic	Any	20	20
13.	Copper	Any	50	50
14.	Antimony	Any	20	20
15.	Zinc	Any	200	200
16.	Oxides of Nitrogen (³)	Nitric acid manufacturing unit Other plants except power Plants operating on oil or coal:		
		Gas fired	400	400
		Oil fired	—	600
		Coal fired	—	1200

Explanations:

1. Based on the assumption that the size of the particulate is 10 micron or more.
2. Based on 1 percent sulphur content in fuel oil. Higher content of sulphur will cause standards to be pro-rated.
3. In respect of emissions of sulphur dioxide and nitrogen oxides, the power plants operating on oil and coal as fuel shall in addition to National Environmental Quality Standards (NEQSs) specified above, comply with the following standards:

A. Sulphur Dioxide

Sulphur dioxide background levels microgram per cubic meter ug/m ³). Standards				
Background Air Quality (SO ₂ , Basis)	Annual Average	Max. 24-hours Interval	Criterion I Max. SO ₂ Emission (Tons per Day Per plant)	Criterion II Max. allowable ground level increment to ambient ug/m ³)
				(One year Average)
Unpolluted	<50	<200	500	50
Moderately Polluted*				
Low	50	200	500	50
High	100	400	100	10
Very Polluted**	>100	> 400	100	10

- * For intermediate values between 50 and 100 $\mu\text{g}/\text{m}^3$ linear interpolations should be used.
- ** No projects with sulphur dioxide emissions will be recommended.

B. Nitrogen Oxide

Ambient air concentrations of nitrogen oxides, expressed as NO_2 should not be exceed the following:

Annual Arithmetic Mean 100 $\mu\text{g}/\text{m}^3$
(0.05 ppm)

Emission levels for stationary source discharges, before mixing with the atmosphere, should be maintained as follows:

For fuel fired steam generators, as Nanogram (10 – gram) per joule of heat input:

Liquid fossil fuel	..	..	..	130
Solid fossil fuel	..	..	..	300
Lignite fossil fuel	..	..	..	260

Note: Dilution of gaseous emissions to bring them to the NEQs limiting value is not permissible through excess air mixing blowing before emitting into the environment”.

**Section Officer
Planning & Development Department**

Copy to:

1. Secretary to the President, GoAJK.
2. Secretary to the Prime Minister, GoAJK.
3. PS to Minister Environment., GoAJK.
4. PS to the Chief Secretary, GoAJK.
5. PS to the Additional Chief Secretary (Gen.), GoAJK.
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9. The Accountant General, Azad Kashmir.
10. The Controller, Govt. Printing Press, Muzaffarabad.
11. Master File.

Section Officer

AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
Planning and Development Department
(Environmental Protection Agency)

“Muzaffarabad”
Dated: January 2nd, 2014

NOTIFICATION:

No./P&DD/General/4217-42/2013. In exercise of the powers conferred by Section 32 of the Azad Jammu & Kashmir Environmental Protection Act, 2000 (IV of 2000), the AJ&K Environmental Protection Agency, with the approval of the Government, is pleased to make the following regulations, namely:-

1. **Short title, application and commencement:** -(1) These Regulations may be called the Azad Jammu & Kashmir *Prohibition of Non-degradable Plastic Products (manufacturing, sale and usage) Regulations, 2013.*
 - (2) They shall come into force at once.
2. **Definitions:-** In these Regulations, unless there is anything repugnant in the subject or context:
 - a. **“Act”** means the Azad Jammu & Kashmir Environmental Protection Act, 2000;
 - b. **“Agency”** means Azad Jammu & Kashmir Environmental Protection Agency (AJK-EPA) established under Section 5 of the Act.
 - c. **“Court of jurisdiction”** means the court of Magistrate, Tribunal or any other Court having jurisdiction to try cases under section 16 of the Act;
 - d. **“Director General”** means the Director General of the Agency and any person authorized by him in writing to act on his behalf;

- e. **“Distribute”** means to make any plastic product directly or indirectly available to users or intermediaries, with or without charge;
- f. **“Government”** means Azad Government of the State of Jammu & Kashmir ;
- g. **“Inspector”** means an inspector of the Agency or person authorized in writing for the purpose of these regulations by the Director General.
- h. **“Non-degradable plastic product”** means a plastic product that is not a product defined in clause (i).
- i. **“Oxo-biodegradable plastic product”** means a product made of polymer containing a pro-degradant additive supplied by an additive supplier registered with the Agency;
- j. **“Oxo-biodegradation”** means degradation resulting from oxidative and cell mediated phenomena, either simultaneously or successively;
- k. **“Pro-degradant additive”** means a chemical formulation containing a transition metal salt, except cobalt, which will cause the polymer, like plastic bags, to degrade by a process of oxo-biodegradation;
- l. **“Person”** includes a Company or Institution or Manufacturer ;
- m. **“Scheduled plastic product”** means all disposable plastic products, including those listed in the Schedule and made wholly or substantially of polyethylene or polypropylene or polystyrene;
- n. **“Stockpile”** means to store for the purpose of trade or distribution;
- o. **“Unit”** means a factory or any premises where polythene bags are manufactured, sold, used or imported, or where any suspected material is found which can be used in such manufacturing.

3. **Prohibition of manufacture, sale and use of non-degradable scheduled plastic products:** -(1) No person shall import, manufacture, stockpile, trade, supply, distribute, sell or use any scheduled plastic product which is non-degradable.

(2) Any license or permission for the manufacture, sale, importation or distribution of non-degradable plastic products issued under any law before the commencement of these regulations shall cease to be effective and no holder of any such license or permission shall commence or carry on business of manufacturing, selling, importing or distributing non-degradable scheduled plastic products.

4. **Authorization:** -(1) No Pro-degradant additive shall be sold, distributed or imported by any person of scheduled plastic product without registration with the Agency. In order to obtain the registration of pro-degradant additive from the Agency, the applicant shall submit the following documents as a minimum, namely:-

- a. test certificates for additive from independent third party laboratory that is accredited in accordance with ISO 17025. Tests must be carried out in accordance with the test methods prescribed by Pakistan Standards and Quality Control Authority (PSQCA)/ ASTM D-6954 – 04 standard and the reports must clearly state the percentage of pro-degradant additive which must be consistent for all the tests namely degradation, bio-degradation and eco-toxicity;
- b. certificate of membership of Oxo-biodegradable Plastics Association, and
- c. Certificate of ISO 9001 and ISO 14001 accreditation.
- d. An authorized officer may, by notice in writing, require a person to supply him within fifteen days with such samples, certificates, records and information as he may reasonably require for the purpose of ascertaining whether that person is complying with the provisions of these regulations.

(2) Oxo biodegradable carry bags and containers made of virgin plastic shall be in a natural shade or white and containers used for

purposes other than storing and packaging foodstuffs shall be manufactured using pigments and colorants as per ISO 787/1-1982. Entitled "General Methods of Test for Pigments and Extenders". No scheduled plastic product shall be made in black color except for garbage sacks.

(3) Recycled scheduled plastic products shall be marked "Recycled plastic, unsafe for contact with food".

5. **Identification:-** All scheduled plastic products made with oxo-biodegradable plastic and all packaging in which such products are offered for sale, shall be prominently marked "Oxo-biodegradable" and shall bear the identifying mark or logo of the supplier of the pro-degradant additive.

6. **Enforcement:-**(1) An inspector may, by notice in writing, require a person to supply him within fifteen days with such samples, certificates, records, and information as he may reasonably require for the purpose of ascertaining whether that person is complying with provisions of these regulations.

(2) Where an inspector has reasonable grounds to believe that a person has contravened any regulation, he may proceed against the offender in accordance with Section 16 of the Act.

7. **Power to enter and inspect:-**The Inspector, after getting approval from the Director General through the Director concerned, shall have power to enter and inspect the unit or its production, stockpile, manufacturing, sale point, delivery, transportation and documentary record, exhibition and displays or any other concerned activity, subject to existence of reasonable grounds to believe about the commission or likely to be commissioned offence under the regulation.

8. **Search warrant:-**If reasonable grounds exist and Authorized Officer or Inspector is satisfied either about commission of offence or its likelihood in public or private premises and if the inspector thinks inevitable to procure reasonable evidence through search warrant he may be filing a written application before the court of jurisdiction get the search warrants issued under the Code of Criminal Procedure, 1898 (V of 1898), as enforced in Azad Jammu & Kashmir under intimation to Director General through the Director concerned.

9. **Sealing:-**(1) If commission of offence is made out to the extent of manufacture, sale, use and import of plastic product, as specified under Schedule, which are non-degradable, the inspector shall have the power to seal such manufacturing works, sale-point, import stock, delivery, collection and transportation at once, with administrative help of the Senior Superintendent Police/ Superintendent Police officer of the district concerned under intimation to Director General through the Director concerned.

(2) The sealing officer shall paste a copy of sealing order at the spot and affix the sealing stamp thereon, and after recording evidence recover and material being involved in the commission of offence.

(3) The Senior Superintendent Police/ Superintendent Police officer or, as the case may be, the District Commissioner of the district concerned may be called for administrative help in writing by the Inspector under intimation to the Director General through the Director concerned for carrying the objectives of these rules.

(4) The inspector may institute a complaint before the Court of Jurisdiction under intimation to the Director General through the Director concerned.

10. **Confiscation:-**(1) If commission of offence is made out to the extent of manufacture, sale, use and import of plastic products as specified under Schedule, which are non-degradable, the Inspector shall have power to take into possession any article which he has reason to believe, has been or is involved in, or which may furnish evidence of the commission of offence. Recovered material may be retained within the office building, in safe custody and in sealed condition. The inspector shall file a complaint preferable within forty-eight hours, before the court of jurisdiction for proceeding under section 16 of the Act, against the person responsible for the offence.

(2) The Inspector, as the case may be, shall be responsible for quality, quantity and credibility of confiscated or recovered material.

(3) In case of acquittal of accused, on an application from the acquainted person, the recovered material may be returned to the owner or its legal claimant, on written order of the Court of Jurisdiction.

(4) A proper receipt record, order of the court, return statement and identification documents along with signatures of two witnesses shall be retained by the Authorized Officer or Inspector concerned.

(5) In case of conviction the convicted person shall lose his right to take back the recovered material and the material may be taken Govt. property and dealt with the relevant laws of the Azad Jammu & Kashmir.

11. **Procedure of trials:** - Court of jurisdiction shall try offences under Section 16 of the Act in accordance with the provisions of the Code of Criminal Procedure, 1898 and shall decide the complaint within 90 days from the date of the admission.
12. **Appeal:-**Any person aggrieved by any action taken under regulation by the Agency or an order of the court of jurisdiction may, within fifteen days of such order, prefer an appeal to the Court of Sessions whose decision thereon shall be final.
13. **Penalty:** -Whosoever contravenes provisions of regulations 3, 4 and 5 shall be punishable under Section 16 of the Act.

**Section officer
Planning & Development Department**

Copy to;

1. The Secretary to the President, Azad Jammu & Kashmir, Muzaffarabad.
2. The Secretary to the Prime Minister, GoAJK, Muzaffarabad.
3. PS to Minister Environment, GoAJK, Muzaffarabad.
4. Private Secretary to the Chief Secretary, GoAJK, Muzaffarabad.
5. PS to the Senior Member Board of Revenue GoAJK Muzaffarabad.
6. Private Secretary to the Additional Chief Secretary (Gen)/ GoAJK. Muzaffarabad.
7. PS to Additional Chief Secretary (Dev.)/Secretary Environment, GoAJK. Muzaffarabad.
8. All Secretaries to the Government, GoAJK, Muzaffarabad.
9. PS to the Director General, EPA, GoAJK, Muzaffarabad.
10. The Controller, Govt. Printing Press, GoAJK,
11. The Director Public relations & information ,GoAJ&K, Muzaffarabad
12. Master File.

Section officer

THE SCHEDULE

[See regulation 2 (m)]

Polyethylene, Polypropylene or Polystyrene products

1. Carrier bags or shopper-bags which consumers use to take away their purchases from a retail outlet.
2. Bread bags and food packaging, including frozen food packaging.
3. Garbage bags.
4. Shrink-wrap, pallet-wrap, bubble-wrap
5. Agricultural mulching films.
6. Woven plastic bags.
7. BOPP, CPP and Metalized Plastic films.
8. Agricultural films and netting with an intended service life of less than three years.
9. Milk and water packaging.

TABLE OF CONTENTS

1	Azad Jammu & Kashmir Environmental Protection Act, 2000	1
2	State Environmental Quality Standards (Certification of Environmental Laboratories) Regulation, 2009	26
3	Azad Jammu & Kashmir Environmental Protection Agency Review of Initial Environmental Examination (IEE) and Environmental Impact Assessment (EIA) Regulations, 2009	33
4	State Sustainable Development Fund Board (Procedure) Rules, 2009.	49
5	Environmental Samples Rules, 2009.	53
6	State Environmental Quality Standards (Self-Monitoring and Reporting by Industry (Rules, 2009.	65
7	Pollution Charge for Industry (Calculation and Collection) Rules, 2009.	79
8	Azad Jammu & Kashmir Bio-Safety Rules, 2009.	93
9	National Environmental Quality Standards for Municipal and Liquid Industrial Effluents.	106
10	Azad Jammu & Kashmir Prohibition of Non-degradable Plastic Products (manufacturing, sale & usage) Regulations, 2013.	112